REPORT
OF THE COMMISSION ON
THE POLITICAL AND CONSTITUTIONAL
FUTURE OF QUÉBEC

March 1991

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COMMISSION
SUR L'AVENIR
POLITIQUE ET
CONSTITUTIONNEL
DU QUÉBEC

91-04777/

Québec, March 27, 1991

Mr. Jean Pierre Saintonge
President of the National Assembly
MNA for La Pinière
Parliament Buildings
Room 1.30
Québec (Québec)

Dear Sir,

We have the honour of submitting the Report of the Commission on the Political and Constitutional Future of Québec, to be tabled before the National Assembly pursuant to section 4 of the Act to establish the Commission on the Political and Constitutional Future of Québec, S.Q. 1990, c. 34.

Yours truly,

Michel Bélanger, Chairman

Jean Campeau, Chairman

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[TRANSLATION] We, the members of the Commission on the Political and Constitutional Future of Québec, appointed pursuant to the Act to establish the Commission on the Political and Constitutional Future of Québec, have signed the report of the Commission in Québec City on Tuesday, March 26, 1991, for submission to the National Assembly.

Les présidents,

Michel Bélanger

Jean Campeau

Les membres,

Robert Bourassa

Jacques Parizeau *

Marcel Beaudry *

Lucien Bouchard

Jean-Claude Beaumier

Jacques Brassard *

Louise Bégin

Cheryl Campbell Steer *

Claude Béland

Guy Chevrette *

Guy Bélanger

Guy D'Anjou

Jeanne Blackburn *

Claude Dauphin

Ghislain Dufour

Roger Nicolet

Louise Harel

Lorraine Pagé

Claire-Hélène Hovington

Christiane Pelchat

Louis Laberge

Charles-Albert Poissant

Gérald Larose

Jacques Proulx

Jacques Léonard

Gil Rémillard

Cosmo Maciocia

Serge Turgeon

Pauline Marois

Russell Williams

Signé en présence du secrétaire de la Commission,

Henri-Paul Rousseau

* Subject to dissenting opinions on the conclusions of the report, noted in an addendum.

+ Subject to the reservations appearing in an addendum.

Prime Minister Robert Bourassa, Government Ministers Gil Rémillard and Claude Ryan, and Claude Béland, Gérald Larose, Louis Laberge, Lorraine Pagé, Jacques Proulx, Jean-Claude Beaumier, Lucien Bouchard, Serge Turgeon and Roger Nicolet also made comments which appear in addenda.

TABLE OF CONTENTS

		Page
1.	Membership of the Commission	i
2.	The Commission's mandate	1
3.	Introduction	9
4.	Québec: A modern society, a distinct identity	15
5.	Toward the stalemate	27
	. 1960-1985	27
	. 1985-1990	31
	. Conflicting perspectives, aspirations and national identities	38
	. The cost of the stalemate	40
6.	Seeking solutions	45
	. A new attempt to redefine Québec's status within the Canadian federal regime	46
	. Sovereignty	51
7.	Conclusions	65
8.	Recommendations	79
9.	I[st] Addendum	85
10.	II[nd] Addendum	117

Appendices

A.	Acknowledgements	133
B.	List of individuals and organizations which submitted briefs	139
C.	Excerpt from the Minutes of the March 25, 1991 meeting of the Commission	159
D.	Text of the Act establishing the Commission	163

1. MEMBERSHIP OF THE COMMISSION

1. MEMBERSHIP OF THE COMMISSION

The Commission is made up of the following members:

- Mr. Robert Bourassa,
  Premier of Québec

- Mr. Jacques Parizeau,
  Leader of the Official Opposition

- A group of 18 members who are not Members of the National Assembly of Québec:

  - the chairmen

    Mr. Michel Bélanger
    Mr. Jean Campeau

  - two elected municipal officers — and their substitutes

    Mr. Jean-Claude Beaumier — Mr. Marcel Duluth
    Mr. Roger Nicolet — Mr. Éric Jacques

  - four representatives of the business sector — and their substitutes

    Mr. Marcel Beaudry — Mr. J.C. André Dupont
    Mrs. Cheryl Campbell Steer — Mr. Luigi Liberatore
    Mr. Ghislain Dufour — Mr. Sébastien Allard
    Mr. Charles-Albert Poissant — Mr. Gilles Marcotte

  - four representatives of the trade union sector — and their substitutes

    Mr. Louis Laberge — Mr. Fernand Daoust
    Mr. Gérald Larose — Mrs. Monique Simard
    Mrs. Lorraine Pagé — Mrs. Rosette Côté
    Mr. Jacques Proulx — Mr. Serge Deschamps

  - one representative of the cooperative sector — and his substitute

    Mr. Claude Béland — Mr. Jacques Bertrand

  - one representative of the educational sector — and his substitute

    Mr. Guy d'Anjou — Mrs. Diane Drouin

  - one representative of the cultural sector — and his substitute

    Mr. Serge Turgeon — Mr. Bruno Roy

- Three Members of the House of Commons of Canada, each of whom has represented a Québec riding since the last general election,

  Mr. Lucien Bouchard, MP for Lac-Saint-Jean and leader of the Bloc québécois, and his substitute Mr. Gilles Duceppe
  Mr. Jean-Pierre Hogue, MP for Outremont and his substitute Mr. Gabriel Desjardins
  Mr. André Ouellet, MP for Papineau-Saint-Michel and his substitute Mr. Mark Assad

. A group of 16 Members of the National Assembly

- for the Government party,

  Mrs. Louise Bégin, MNA for Bellechasse
  Mr. Guy Bélanger, MNA for Laval-des-Rapides
  Mr. Claude Dauphin, MNA for Marquette
  Mrs. Claire-Hélène Hovington, MNA for Matane
  Mr. Cosmo Maciocia, MNA for Viger
  Mrs. Christiane Pelchat, MNA for Vachon
  Mr. Gil Rémillard, MNA for Jean-Talon, Minister of Justice, Attorney General and Minister responsible for Canadian Intergovernmental Affairs
  Mr. Claude Ryan, MNA for Argenteuil, Minister of Municipal Affairs, Minister of Public Security, and Minister responsible for the administration of the Charter of the French Language
  Mr. Russell Williams, MNA for Nelligan

- for the Official Opposition party,

  Mrs. Jeanne Blackburn, MNA for Chicoutimi
  Mr. Jacques Brassard, chief whip and MNA for Lac-Saint-Jean
  Mr. Guy Chevrette, parliamentary leader and MNA for Joliette
  Mrs. Louise Harel, MNA for Hochelaga-Maisonneuve
  Mr. Jacques Léonard, MNA for Labelle
  Mrs. Pauline Marois, MNA for Taillon

- for the other party represented in the opposition,

  Mr. Richard B. Holden, MNA for Westmount

. The leader of the other party represented in the opposition, Mr. Robert Libman, is a participant to the Commission, but without voting rights.

. Mr. Robert Benoit, MNA for Orford, has been the substitute for Premier Robert Bourassa, for most of the meetings held by the Commission.

1. MEMBERSHIP OF THE COMMISSION

The Commission's steering Committee was formed by the following members:

- the chairmen, Mr. Michel Bélanger and Mr. Jean Campeau

- six members of the National Assembly,

  Mr. Guy Bélanger
  Mr. Jacques Brassard
  Mr. Guy Chevrette
  Mr. Claude Dauphin
  Mrs. Christiane Pelchat
  M. Gil Rémillard

- and one representative of the non members of the National Assembly,

  Mr. Claude Béland

The Commission on the Political and Constitutional Future of Québec was created on September 4, 1990 under the authority of the Québec National Assembly, pursuant to legislation adopted unanimously by all political parties [1]. It was given a mandate to study and analyse the political and constitutional status of Québec and to make recommendations, which it is submitting to the National Assembly.

The status of the Commission as a special Commission, also expressed through its designation as a broadened parliamentary commission, is reflected by the presence, among its 36 members appointed by the National Assembly, of 18 persons who are not MNAs. Its membership and the scope of its mandate have encouraged the Commission to seek a consensus based on a concern to serve Québec's interests, aspirations and needs.

The preamble of the Act to establish the Commission on the Political and Constitutional Future of Québec highlights the surrounding circumstances and the foundations of its mandate:

> "WHEREAS Quebecers are free to assume their own destiny, to determine their political status and to assure their economic, social and cultural development;

[1] Act to establish the Commission on the Political and Constitutional Future of Québec, S.Q. 1990, c. 34 and subsequent amendments, S.Q. 1990, c. 45.

Whereas Quebecers wish to play an active part in defining the political and constitutional future of Québec;

Whereas the Constitution Act, 1982, was proclaimed despite the opposition of the National Assembly;

Whereas the 1987 Agreement on the Constitution, the aim of which was to allow Québec to become a party to the Constitution Act, 1982, has failed;

Whereas it is necessary to redefine the political and constitutional status of Québec;

Whereas Québec has already demonstrated its respect for democratic values and individual rights and freedoms;

Whereas Québec has recognized that Quebecers wish to see the quality and influence of the French language assured and to make it the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

Whereas Québec intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the rights and institutions of the English-speaking community of Québec;

Whereas Québec recognizes the right of the Amerinds and the Inuit of Québec to preserve and develop their specific character and to assure the progress of their communities and that it considers the contribution of the cultural communities to be of prime importance for the development of Québec;

Whereas Québec supports French-speaking communities outside Québec and contributes to the international French-speaking world;

Whereas the economy of Québec is mature and vigorous and Quebecers clearly wish to see its development and growth assured, while respecting the demands of both market globalization and social justice;

> Whereas in consequence it is expedient to create a special Commission to examine and analyse the political and constitutional status of Québec;"

The Commission's mandate is based on an observation made on June 23, 1990 by the Premier of Québec and confirmed by all members of Québec's National Assembly, according to which rejection of the 1987 Agreement on the Constitution has called into question the political and constitutional future of Québec and made it necessary to redefine Québec's status.

The National Assembly confirmed the right of the people of Québec to assume their own destiny, determine freely their political status and assure their economic, social and cultural development.

Following several weeks devoted to organizing and holding working meetings, the official opening of the Commission's public sittings on November 6, 1990, marked the starting point of a tight schedule, lasting less than five months.

The Commission has given priority to public participation in its deliberations. On September 29, 1990, it invited the population to submit briefs by November 2, 1990, at the latest, in anticipation of public hearings. Some 492 groups and individuals submitted briefs within the prescribed deadline; 115 briefs were subsequently received, bringing the total to 607, a remarkable achievement.

During the first phase of the Commission's deliberations, the briefs were examined and public hearings were held. The steering committee selected the groups and individuals invited to present their briefs during public hearings. The television broadcasting of the hearings made it possible for the population of Québec to watch the Commission's sittings and witness the exchanges of views and debates.

All told, 235 groups and individuals appeared before the Commission. A *Forum on Youth and the Future of Québec* was also held, bringing the number of presentations to a total of 267. From November 6, 1990 to January 23, 1991, over a nine-week period, the Commission visited 11 administrative regions and held sittings in 11 Québec cities.

Some 55 specialists in various fields also contributed information at the request of the Commission. They included political scientists, jurists, economists, sociologists, demographers, geographers and members of the cultural, arts and literary communities.

This broad cross-section of individuals, representing a wide array of milieus and spheres of activity, shared with the Commission, in writing or orally, their viewpoints on the political and constitutional future of Québec. In particular, a number of aboriginal groups submitted briefs to the Commission, and all of them were heard. The Commission also invited Quebecers who are members of cultural communities and who had submitted a brief to present it during the

public hearings. The extent of popular participation and the concerns expressed revealed the importance Quebecers attach to Québec's status.

The briefs, the experts analyses and the public hearings represent a body of information, opinions and concerns which have enlightened Commission members in the course of their deliberations.

Redefining the arrangements governing the organization and the political relations of a society, a people or a nation is a quintessentially political process. It is the firm belief of Commission members that a clear expression of the will of the Québec people is the foundation of this political process.

The problems engendered by political relations between Québec and the rest of Canada are not new. Their sources can be found in the past. The Royal Commission on Bilingualism and Biculturalism (Laurendeau-Dunton Commission, 1963) and the Task Force on Canadian Unity (Pépin-Robarts Commission, 1978) focused on a namber of their causes and proposed solutions. Essentially, these complex problems concern the political and constitutional expression of the relations between two linguistic groups, two majorities. One province among 10, Québec, holds the francophone majority. The problems have been exacerbated by 25 years of constitutional debates which, for Québec, have proven fruitless, by major constitutional changes which occurred in 1982 and to which Québec did not adhere, and by the decisive failure, in June 1990, of the 1987 Agreement on the Constitution.

In the wake of a quarter century of futile efforts, the Québec National Assembly has unanimously recognized that, at this point in Québec's history and development under the Canadian federal regime, Québec must redefine its political and constitutional status. Why? How and to what extent must Québec's political and constitutional status be redefined? These are the

pivotal questions underlying the Commission's mandate and to which it will endeavour to respond.

Let us turn briefly to various facets of the circumstances surrounding the redefinition of the political and constitutional status of Québec.

The world over, barriers to economic exchanges are toppling one by one. Freer world trade has also led to the development of more, and more complete free-trade zones in Europe and America.

Any society seeking growth must belong to an economy which extends well beyond national boundaries and participate fully in the globalization of markets. The sweeping liberalization of trade has encouraged states to associate more closely in order to open their borders to trade and jointly seek development and economic prosperity.

Québec is no exception and is participating fully in this trend, as witnessed by its broad-based support for the Canada-U.S. Free Trade Agreement. Many Quebecers have taken up the challenge of opening up their economy.

In redefining its political and constitutional status, Québec is not seeking to call into question the commitments as well as the economic and financial ties it has established with foreign countries or the rest of Canada, or to create barriers to the free movement of persons, goods, services and capital within

the Canadian economy. The Commission noted a very firm consensus in this respect among the various public and private parties who participated in its deliberations, a consensus shared by all of the commissioners. The interest and well-being of everyone concerned, in Québec and elsewhere in Canada, would benefit from maintaining the advantages ensuing from this freedom of movement. For either side to relinquish the pursuit of such convergent interests would likely engender economic damage that neither Québec nor its Canadian partners could risk incurring, no more than others elsewhere in the world could.

In fact, discussions on the political and constitutional future of Québec focus more on the existing political and constitutional arrangements governing Québec's status and its relations with the other members of the federation.

Since 1867, Québec has been a province within a federal State made up of 10 provinces and two territories. The federal structure, the arrangement of powers and the division of legislative and executive jurisdictions between the two levels of government have been set out in the Canadian constitutional texts and in other sources of constitutional law. From Québec's standpoint, the Canadian federal regime was based at the outset on the Canadian duality and the autonomy of the provinces.

This Canadian duality, based on relations between French Canadians and English Canadians, is perceived as an underlying principle of the federal

regime. The federal union is seen as a pact between these two peoples which may only be altered with the consent of these two parties.

As for the autonomy of the provinces, it rests on the exclusivity of the fields of legislative powers granted in 1867. Given its constant concern to maintain the autonomy of the National Assembly, Québec has always denounced federal intervention and encroachment in its fields of exclusive jurisdiction. As the trend toward centralization grew, tension and conflict became inevitable.

The 1960s saw Québec take charge of its development and affirm its uniqueness. Since then, Québec has demanded the political and legal recognition of a special status and a far-reaching review of constitutional arrangements under the federation, especially with regard to the sharing of jurisdictions.

With its 6.7 million inhabitants on an English-speaking continent of 275 million inhabitants, Québec is the only political entity in North America in which a French-speaking majority enjoys autonomous democratic institutions. French is the language usually spoken or used most frequently in the home of 83 percent of Quebecers; English is used by 12 percent of the population, and the remaining 5 percent speak other languages.

Elsewhere in Canada, French is used by 4 percent of the population, English by 89 percent. If Québec is included, French is used by 24 percent of Canadians, and English, by 69 percent. Today, nearly 90 percent of French-speaking Canadians live in Québec.

Quebecers are aware that they form a distinct national collectivity: the language of the majority of Quebecers and their culture, which are in a minority situation in Canada, are unique across the continent. In their own way, Quebecers have always expressed the need to be masters of their own destiny. The 1960s marked a turning point in Québec society's assumption of its own development. Quebecers' perception of themselves has changed, especially among the French-speaking majority. Before, French-speaking Quebecers were more inclined to see themselves as French Canadians and a minority. Now, they see themselves first and foremost as Quebecers and are acting more and more like a majority within their territory.

During this period, Québec charted the course necessary to ensure the emergence of a modern, complete society open to the world. Various aspirations, a special national identity and specific needs found political expression and were reflected concretely in sweeping reforms in all spheres of activity, be they political, economic, social, cultural or educational.

The Québec Government acted as a driving force and rallying point for the reconquering of political, linguistic and economic levers. Following the celebrated "Désormais..." uttered by Québec Premier Paul Sauvé, which set in motion the necessary reforms, the process gained momentum under the Lesage government in 1962 with the acquisition, through a public takeover, of the main electric utilities. The slogan "Maîtres chez nous" was launched. Created in 1944, Hydro-Québec was to play a key role in the economy. This initiative marked the beginning of a period during which the Government played an entrepreneurial role; many government corporations were set up and given mandates pertaining to economic development. Québec set up the Québec Pension Plan, a universal scheme whose funds are entrusted to the Caisse de dépôt et placement du Québec, which profitably managed them, while fostering Québec's economic growth. All of these institutions gave French-speaking Quebecers access to senior management positions and hastened the emergence of a French-language business class which today plays an important role in the economy.

At the same time, major reforms were implemented in the public sector, e.g. government and Administration, culture, education, health and social services, municipal affairs, economic and regional development. In its own fields of jurisdictions, Québec confirmed its presence abroad, established a network of foreign delegations, engaged in exchanges and concluded agreements. Since the late 1960s and more recently, it has bolstered its international presence by participating in the institutions and activities of the French-speaking world.

This period of accelerated development, during which Québec set up institutions and adopted public policies of its own, also fostered the emergence of a new vitality, a spirit of innovation, enterprise and openness to the world, still hallmarks of Québec society. Today, its economic vigour hinges on the competitiveness of private sector firms. The Québec government adopts or encourages policies which facilitate the adaptation of the economy to the demands of the globalization of markets. One striking example is its support for Canada-U.S. free trade.

Quebecers display a more deeply rooted desire to be, to affirm themselves and to live in French throughout Québec and in all spheres of social activity. French has always been the language of the majority and its status is confirmed as the official language. The place of French in communications, the workplace, commerce and business is also reaffirmed and broadened.

This period, during which French-speaking Quebecers have acquired a new perception of themselves, shifting from that of a minority to that of a majority, also shows that they more strongly identify with Québec political institutions when pursuing their economic, social and cultural development.

Ensuring the quality and influence of French, clearly a minority language in Canada and on the continent, challenges Quebecers to be equitable, open and just in two respects: first to English-speaking Quebecers, who historically are part of Québec's reality, and toward the French-speaking population, whose efforts to protect and promote their language are legitimate. Both minorities are seeking to forge, between them, mutually respectful relations. The matter of the language used in public signs and commercial advertising largely coloured discussions concerning these relations. This question needs to be considered in context, that is, the external signs and advertising of businesses, and must not eclipse that individual and social activities, including commercial activities are carried out in either language in Québec.

The English-speaking community is tightly integrated by its institutions and the scope of its activities in the public and private domains. Its important contribution to the development of Québec society is reflected in all spheres of activity, e.g. economy and finance, primary and secondary schools, colleges and universities, hospitals, the media, museums, architecture and so on. In the preamble of the legislation establishing the Commission, the National Assembly confirms the importance of respecting this community's rights and institutions.

Québec society is also participating in the major currents of 20th century political thought. It displays a deep attachment to the basic values shared by modern, free, democratic societies. The parliamentary system, the functioning of political parties and the regulation of party financing, the *Election Act* and the *Referendum Act*, and procedures respecting representation in municipal governments and school boards reflect this attachment to democratic values and the guarantee of respect for such values. The May 1980 referendum, the campaign preceding it and its outcome all confirm the prominence accorded to the exercise of and respect for democracy in Québec.

Moreover, Québec shares with other free, democratic societies a commitment to protecting and promoting the enjoyment and free exercise of basic human rights and freedoms within its territory. The Québec *Charter of Human Rights and Freedoms*, adopted in 1975 by the National Assembly, ensures recognition of and respect for basic human rights and freedoms, and guarantees the free exercise of such rights and freedoms in private relations as well as in relations between individuals and the State. Unless expressly stipulated, the guarantees enshrined in the Charter take precedence over all Québec legislation and regulations. The Québec Charter is among the most complete charters of human rights and freedoms adopted to date. It is the main means by which Québec seeks to develop a pluralist society which respects differences.

The search for genuine equality between Québec women and men is one of the fundamental values and objectives found in the Québec Charter. A number of Québec women stress that the desire for equality between men and women is one of the distinctive trait of the Québec identity. Recent constitutional debates gave women an opportunity to stress this viewpoint and to apprise other Canadians of it.

As is the case in other Western societies, Québec's population has diversified in recent decades: the guarantees of democracy, equality and freedom that it offers underpin the relations which are established between each newcomer and Québec society. Full participation by Quebecers from all cultural communities and their contribution to Québec's development are essential. They enrich the Québec society in a unique manner.

In the legislation which established the Commission, the National Assembly reaffirmed that Québec recognizes the right of the Amerinds and the Inuit to preserve and develop their specific character and to assure the progress of their communities. The principles underlying Québec's policy with respect to aboriginal issues were set out for the first time in a Cabinet Decision adopted on February 9, 1983, then in a Resolution of the National Assembly, adopted on March 20, 1985. During a Constitutional conference held on March 13, 1987, in Ottawa, Québec reaffirmed that it favoured self-government for the aboriginal people. In Québec, the Amerind population is made up of some 52 000 people belonging to 14 nations; there are roughly 6 200 Inuit.

Regardless of Québec's future political and constitutional course, agreements must be sought between the Québec government and Québec's Amerinds and Inuit.

Today, Québec has all the attributes and characteristics of a modern, free and democratic, pluralist society open to the world. Through consensus and collective effort, it has developed a dynamic culture which animates its political, economic and social life. Recent history has witnessed the consolidation, marked by continuity, of a national identity in Québec which has confirmed itself in all spheres of activity.

Moreover, Québec society is an integral part of the major commercial and financial trends prevailing in North America and the world. It has developed special economic ties with the rest of Canada.

Starting in 1867, political leaders at the time sought to create an economic area which would consolidate the ties between the four former colonies. A protectionist trade policy and the development of east-west communication lines bolstered the initial economic area and spurred its subsequent expansion toward the West. Another factor which contributed to the development of these ties was the attribution to the federal Parliament, by the 1867 Constitution, of broad powers in economic areas such as currency, banks, interest rates and interprovincial trade.

Today, the Canadian economy encompasses over 26 million inhabitants; persons, goods, services and capital move freely in it. Corporations, individuals, institutions and all of the provincial governments, especially those of Québec and Ontario, have established over the years a multitude of contracts, financial commitments as well as human and business relations.

The sharing of the same citizenship, a number of guarantees enshrined in the *Canadian Charter of Rights and Freedoms,* and the portability of entitlement to federal and provincial social programs facilitate the free movement of persons, who may settle and work wherever they wish, despite the existence of some barriers. The cost of integrating into a community of a different language undoubtedly curtails among French-speaking people wishing to move to other parts of Canada the complete enjoyment of this freedom of movement.

Available trade statistics reveal that Québec sells 20 percent of its output to the rest of Canada, by and large the same proportion, on average, as that of all the regions of Canada, i.e. 17.5 percent. The markets of certain provinces are important to Québec: 35 percent of its overall exports are shipped to Ontario, and 10 percent to the Atlantic Provinces. The opposite is also true: Québec buys 20 percent of the goods and services Ontario exports and 24 percent of the goods and services exported by the Atlantic Provinces. In

1984, Ontario sold over 21 billion dollars worth of goods and services in Québec, resulting in a trade surplus of over 3 billion dollars [2].

However, foreign markets, especially the United States, have in recent years become increasingly important to Québec. The proportion of Québec's output sold on these markets rose from 9 percent in 1974 to nearly 15 percent in 1984. This shift in export markets reflects the trend toward the globalization of markets, and it should become more pronounced under the Canada-U.S. Free Trade Agreement. It also emphasizes the extent to which, in Canada as elsewhere, economic and political boundaries coincide less and less.

Other phenomena are indicative of the close ties between Québec and the other provinces, e.g. the volume of air traffic between Montréal and Toronto or the extent of the interprovincial operations of Canadian companies. Because any firm established in Canada can set up business, buy, sell and obtain financing wherever it wishes, many companies operating in Québec also maintain branches elsewhere in Canada. Interprovincial dealings are especially strong between financial institutions, which channel savings to private and public sector borrowers across Canada.

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[2]Source: Statistics Canada, Input-Output Division.

In Québec, as elsewhere in Canada, political visions and national aspirations and identities have emerged, on both sides, in a more striking manner over the past 30 years. The failure of the 1987 Agreement on the Constitution, which occurred on June 23, 1990, takes all its meaning in light of this evolution. This failure indicates that it is becoming increasingly difficult to reconcile these identities, aspirations and political visions within the constitutional framework of the Canadian federation.

1960-1985

The major reforms implemented in Québec during the 1960s showed how important it was to review the division of powers, which changes in the federal regime had made problematical, and the financial resources of the federal and provincial governments. Québec wanted to preserve and restore its autonomy in its fields of exclusive jurisdiction and, in a number of sectors, enjoy broader autonomy to ensure the development of Québec society. In this respect, it affirmed itself as a distinct society and demanded recognition of its special status, aspirations and needs.

It was therefore necessary to specify new areas of jurisdiction which were not attributed in 1867 and halt overlapping and federal interference in sectors which Québec deemed vital. Requests for discussions and review put forward by successive Québec governments focused primarily on education, higher education, income security, health, taxation, regional development, language,

culture, international relations, communications, the environment, immigration as well as federal spending power, and auxiliary, declaratory, residual and disallowance powers.

The constitutional discussions launched in 1968, mainly at the insistence of Québec, showed that the concerns of the other governments in the realm of constitutional reform did not generally coincide with the issues that Québec thought of as priorities. As for the division of powers, the constitutional conferences held since 1968 have not satisfied Québec's requests.

On the eve of the May 1980 Referendum, when the Parti québécois government submitted to the public its proposal respecting sovereignty-association and the federal regime was called into question in Québec, the then Prime Minister of Canada promised Quebecers that Canadian federalism would be renewed. Two years later, the other provinces and Ottawa introduced major additions and amendments into the Canadian political and constitutional order by proclaiming the *Constitution Act, 1982,* ignoring Québec's traditional requests.

Pursuant to a political agreement reached in November 1981 between the federal government and the provincial governments, excluding that of Québec, a charter of rights and freedoms was enshrined in the Canadian Constitution, along with language educational rights. These modifications imposed new constraints on the exercise of Québec's legislative powers. With respect to language of education, Québec's jurisdiction was curtailed.

The changes adopted in 1982 also repatriated from the British Parliament the power to amend Canadian constitutional documents through the enshrinement of an amending formula. Under such procedure, constitutional amendments likely to derogate from Québec's interests could be contemplated without Québec's consent being required. Moreover, the right to compensation associated with the exercise of the right to opt-out, should provincial powers be transferred to the federal Parliament, only applied in the fields of education and culture.

The *Constitution Act, 1982,* also constitutionalized the principle of the preservation and enhancement of the multicultural heritage of Canadians, thus imposing on Québec a constitutional viewpoint which did not necessarily coincide with its reality within Canada: the latter was defined as a multicultural society, without constitutional recognition of the principle of "Canadian duality" and of Québec's distinctiveness. The multicultural Canadian society, being predominantly English speaking, can easily become indifferent to Québec's distinct identity and its unique linguistic and cultural position in Canada.

The federal government also agreed to include in the 1982 Act various provisions concerning regional disparities as well as jurisdiction over and taxation powers related to non-renewable natural resources, forestry resources and electricity, in response to specific requests from other provinces.

Thus, the 1982 Act introduced into the political and constitutional order of the federal regime a number of basic changes which curtailed Québec's powers and derogated from its vital interests, without the Québec National Assembly's consent and despite its opposition. Above all, the 1982 Act reflects the concerns and national priorities of the federal and other provincial governments. Far from revising the *Constitution Act, 1867,* the 1982 Act contains a new constitutional definition of Canada which has altered the spirit of the 1867 Act and the compromise established at that time. The original Constitution was based by and large on British constitutional principles and traditions, centred primarily on the supremacy of Parliament. In 1982 however, the Canadian Constitution drew closer to the American political culture, which tends to resolve major socio-political issues before the courts. Moreover, from a Constitution based on a political compromise which earned the support of representatives of the French Canadians in 1867, Canada shifted in 1982 to a Constitution adopted despite the opposition of a province where nearly 90 percent of French-speaking Canadians live and which accounts for over one-quarter of Canada's population.

While, in strictly legal terms, the 1982 Act applies in Québec, it is void of political legitimacy as it has never received Québec's full and free support. It should be recalled that, in October 1981, the Québec National Assembly almost unanimously repudiated the federal government's proposed unilateral repatriation of the Constitution. It subsequently expressed its opposition to the agreement concluded in November 1981, in Québec's absence, by Ottawa

and the nine provincial governments, which led to the adoption of the 1982 constitutional changes. On September 4, 1990, the National Assembly unanimously reiterated its refusal to endorse these changes in the preamble of the legislation establishing the Commission. The absence of constitutional stability and the attendant uncertainty have persisted for nearly 10 years.

1985-1990

When it came to power in 1985, the new Québec government set as its constitutional priority the conclusion of an agreement, with the governments of Canada and of the nine provinces, on the terms under which Québec would adhere to the *Constitution Act, 1982*. It was a matter of seeking to reestablish the legitimacy of Canada's constitutional framework, to which all of the people governed by it must be able to subscribe. To this end, the Québec government announced five conditions for its adhesion:

- explicit constitutional recognition of Québec as a distinct society;
- constitutional guarantee of broader powers in the field of immigration;
- the limitation of federal spending power with respect to programs falling under Québec's exclusive jurisdiction;

- changes in the constitutional amending procedure enshrined in the 1982 Act;

- Québec's participation in appointing judges from Québec to sit on the Supreme Court of Canada.

In the course of these constitutional deliberations, the approach emphasized, understood and publicly accepted by all governments concerned was to give priority to politically reintegrating Québec into the Canadian constitutional order, which could have been made possible by a correction of the shortcomings inherent in the 1982 Act. Québec's reintegrating the constitutional order was an essential prerequisite to any discussion of other constitutional issues. Québec postponed discussing other matters of concern to it until later constitutional meetings.

The 1987 Agreement on the Constitution reflected the terms of the Meech Lake accord between Québec, the federal government and the governments of the nine other provinces with respect to the five conditions set forth by Québec. Despite unanimous agreement among the 11 governments, the accord was not ratified by a sufficient number of provincial legislatures to be proclaimed and come into force. It was not favourably received in general by Canadians outside Québec. Yet, it was the first response ever given by the rest of Canada to constitutional initiatives launched 20 years earlier by

Québec. Its failure, following three years of public debate, raised the issue of the political and constitutional future of Québec.

This setback and the ensuing stalemate have been spawned by unresolved political problems, exacerbated by social and political change in Québec and elsewhere in Canada. The inflexibility of the constitutional amending formula and the political situation in Canada between 1987 and 1990 have only added to these problems. Public debates surrounding the 1987 Agreement on the Constitution have shown that it is becoming increasingly difficult to reconcile the various political visions, national identities and aspirations inherent in the Canadian federal regime.

These conflicts have increasingly fettered Québec since the 1982 Act was adopted, as revealed by the failure of the 1987 Agreement. Were it not for these deeply rooted conflicts, the 1987 Agreement would have been accepted in the rest of Canada and ratified by all governments.

The *Constitution Act, 1982* and the principles it enshrines have indeed engendered a hitherto unknown political cohesiveness in Canada. It helped bolster certain political visions of the federation and the perception of a national Canadian identity which are hard to reconcile with the effective recognition and political expression of Québec's distinct identity. The following principles reflect these political visions and this perception:

The equality of all Canadian citizens from coast to coast and the uniqueness of the society in which they live.

This political vision, based on the Canadian Charter of Rights and Freedoms enshrined in the 1982 Act, perceives equality as having a strictly individual scope and applying uniformly across Canada: it does not make allowance for Québec society to receive special constitutional recognition. The notion of a distinct Québec society is thus understood as being a source of inequality and incompatible with the principle of equality of all Canadian citizens.

The equality of cultures and cultural origins in Canada.

This vision derives from the principle of multiculturalism, enshrined in the Canadian Charter, which promotes the objective of preserving and enhancing the multicultural heritage of Canadians. To many, the French language and French cultural origins are included among the numerous languages of origin and cultures which make up Canada's multicultural heritage. They are on the same footing with the other languages of origin and cultures and thus do not require special recognition or guarantees in the Canadian Constitution. Many Canadians feel that the notion of "linguistic duality" and of "two founding nations" do not reflect what they perceive to be the Canadian reality in which they recognize themselves.

The equality of the 10 provinces.

This notion has become one of the predominant political principles in Canada. It has been confirmed, to some extent, by the amending procedure enshrined in the Constitution Act, 1982, more precisely in the rule of unanimity and the so-called "7-50%" rule, which generally applies, unless exception. A constitutional amendment subject to the second rule requires the approval of two-thirds of the provinces representing together at least 50 percent of the population of Canada.

Pursuant to this principle of equality of the provinces, any constitutional change, prerogative or power obtained by Québec must also be granted to the other nine provinces. Strict application of this principle has prevented Québec from obtaining a special status.

Consequently, the principle of equality of the provinces implies uniformly decentralizing to all provinces any power or prerogative granted to Québec, to which proponents of a strong central government object as they see in such decentralization a weakening of the federal government.

Given the combined effect of the principle of equality of the provinces and of the views which favor the centralization of powers in the hands of a single "national" government, it is hard to meet Québec's needs and make room in the

Canadian Constitution for the political expression of Québec's uniqueness within the federation.

The vision of an exclusive national Canadian identity emphasizes the centralization of powers and the existence of a strong "national" government. This vision appears to have a levelling effect: an exclusive national Canadian identity centred on the equality of individuals actually becomes a prohibition for Québec to be different as a society. It also overlooks the actual inequality, within Canada, of both linguistic majorities and their respective members.

Another reality has markedly altered the Canadian political context since 1982. A number of groups were given a voice with respect to constitutional matters during discussions leading to the *Constitution Act, 1982.* They now intend to be an integral part of any constitutional debate. This is, by and large, the case of women's groups, groups defending multiculturalism and, to a different degree, aboriginal groups. Various representatives of these groups strongly objected to the juxtaposition in the Canadian Constitution of visions or principles found in the 1987 Agreement which they deemed to compete or directly conflict with those which they succeeded in having included in the 1982 Act.

Moreover, all changes to the Canadian Constitution that Québec might seek in the future would legally be subject to the amending formula adopted in 1982.

To come into force, such changes would have to be ratified by the requisite number of provincial legislatures and the federal Parliament; the Senate enjoys a suspensive veto.

The constitutional amending formula adopted in 1982 makes it hard to contemplate any modification requiring the unanimous consent of the provincial legislatures. Unanimity is also required to alter the amending formula itself. Moreover, it is not unthinkable that constitutional changes be adopted without Québec's consent. As it is the procedure adopted in 1982 which prevails, Québec is not protected from possible changes which could jeopardize its interests.

In 1982, the Canadian constitutional order made possible the adoption of major constitutional changes in Québec's absence and despite its opposition. Pursuant to the new rules adopted by the other provinces, a single province could, in 1990, prevent an amendment to the Constitution of Canada intended to enable Québec to regain its place in the federation. This new constitutional order, implemented in a manner unfair to Québec in 1982, includes new rules whose application, in 1990, merely reinforced this lack of equity.

Furthermore, Québec alone would be unable to prevent certain modifications which could be introduced under the general amending formula (7-50%) and which would affect its fundamental interests. Because unanimous consent

would be required to grant Québec a veto respecting amendments of this nature, any single province could prevent such a move.

The failure of the 1987 Agreement revealed the extreme inflexibility of the amending formula pertaining to the Canadian Constitution. It also showed to what extent the 1982 Act and the political visions prevailing elsewhere in Canada make it hard to obtain constitutional changes which would recognize Québec's uniqueness and satisfy its particular needs.

Conflicting visions, aspirations and national identities

In the course of discussions surrounding the 1987 Agreement, it was often said that Québec's distinct character was obvious. Nonetheless, by virtue of one or another principle and vision evoked earlier, any political expression or significant recognition of this distinctiveness in the Constitution of Canada was rejected.

The conflict of visions, identities and political objectives revealed by the reactions to the 1987 Agreement is serious and restrictive for the future. It is not the prerogative of the Canadian political elite: ordinary Canadians across the country opposed the 1987 Agreement, except in Québec.

The stalemate touches upon issues relating to national identities, which enable many people to define themselves and understand their participation as well as that of others in Canadian life.

The political principles and visions prevailing in Canadian politics could prevent Québec from obtaining a constitutional arrangement which would satisfy its needs and aspirations within the federal system, for want of a fundamental change in its partners' attitudes toward it. Thus, it would appear that it is the ability to change that must be assessed.

After 25 years of constitutional debate, two federal commissions of inquiry, the major constitutional changes adopted in 1982 without Québec's consent and finally the failure of a constitutional process which, for the first time, broached the political dimension of the Québec problem from Québec's standpoint, it is reasonable to ask, at the very least, whether the rest of Canada is capable of making choices which fully satisfy Québec's own needs, aspirations and visions. Until now, such choices have been perceived or treated as being irreconcilable with other needs, aspirations and visions in Canada, or incompatible with the efficient operation of the Canadian federation.

The cost of the stalemate

The current stalemate is a source of instability and has economic, political and social repercussions which Québec and Canada cannot endure indefinitely. This is one of the main messages which many Quebecers presented to the Commission.

Indeed, under the present political and constitutional regime, one province with over one-quarter of Canada's population does not adhere to the constitutional arrangements governing the federal regime of which it is a part, because these arrangements do not satisfy its needs. Allowing this situation to persist would be in itself a factor contributing to instability.

As far as the economy is concerned, political uncertainty may delay or modify investment projects and encourage lenders to impose higher interest rates on federal and provincial public debt. Indications to this effect have already appeared.

Moreover, globalization of trade imposes stiffer competition on the economy of countries like that of Canada which has heavy public debt and has recorded limited growth in productivity. These trends must be reversed if we are to create numerous and well paid jobs. Constitutional discussions over the past 25 years and, in particular, the current stalemate, are seriously hindering the ability to adopt the appropriate remedial measures as these debates are drawing

widespread attention and draining the energies of politicians and governments. On the other hand, various representatives of organizations of the economic milieu pointed out to the Commission that it will be hard to put Canada's public finances in order as long as there persists a lack of precision in the division of powers as well as joint, inefficient federal and provincial government intervention in several fields of activity.

Constitutional problems and the attendant uncertainty also have political and social repercussions. In Québec and elsewhere in Canada, public opinion is becoming increasingly polarized. The longer we wait to resolve these differences, the greater the social costs are likely to be and the harder it will be to find satisfactory solutions for everyone. Ongoing political conflicts are undermining the quality of relations between populations, as well as their ability and willingness to define and implement mutually satisfactory arrangements. Such conflicts also risk jeopardizing confidence in political leaders who fail to find grounds for agreement.

The Commission has noted the high expectations of the people of Québec and their willingness to change. Many of them appearing before the Commission stressed the need to find durable solutions to Québec's political and constitutional problems. The serenity in which the constitutional debate is now taking place is remarkable and it proves Quebecers' attachment to their values, democracy and social peace. Clearly, satisfactory solutions will have to be found soon.

Accepting the existing Canadian constitutional framework without modifications offers neither a solution to the current stalemate nor a valid option for Québec. The legal and political order under the current federal regime fails to satisfy the demands for constitutional reform that Québec has expressed over the past 25 years. The special needs and legitimate aspirations of Québec society must normally be reflected in the fundamental law which governs it; Québec society must be able to recognize itself therein and subscribe freely to it. Moreover, accepting the constitutional framework as it stands would mean that Québec accepts and considers legitimate the *Constitution Act, 1982.* Québec cannot adhere to this Act, failing major changes to the Constitution, without relinquishing at the same time the levers and guarantees it needs to protect and promote its identity and fundamental interests.

The vast majority of briefs received and testimony heard by the Commission emphasizes the unacceptable nature of the current constitutional arrangements and stresses the need to thoroughly alter the legal framework which establishes Québec's powers and responsibilities, its political status and ties with the federal government and the provinces.

To break the stalemate and redefine its political and constitutional status, Québec has only two choices. Under the first, Québec would seek acceptance of the redefinition of its status within the constitutional framework of the Canadian federation. Such a course of action presupposes that its integration in the Canadian political system be maintained, but significantly modified. The

second solution would entail Québec's withdrawing from the constitutional framework of the Canadian federation, with or without the consent of the rest of Canada, with a view to acceding to full political sovereignty and becoming a State independent of the Canadian State, open to the establishment of economic ties with the latter.

The foregoing solutions are hardly new on the political scene, both in Québec and Canada. In recent decades, the main political parties and successive Québec governments have all sought to provide Québec with the means of taking charge of its economic, social and cultural development. During this period, various Québec proposals concerning political relations between Québec and the rest of Canada have been formulated. All of them have focused essentially on either a thorough reworking of the federal regime of 1867, or the accession of Québec to the status of independent State, combined with more or less formal economic ties with the rest of Canada.

A new attempt to redefine Québec's status within the Canadian federal regime

The first solution would involve Québec's seeking once again to obtain major changes within the federal constitutional framework. The outcome of such a course is uncertain: it depends on the political will of the federal government, the other provincial governments and other Canadians. Political and constitutional change in recent decades has shown that Québec's conception of Canada and the federal system does not generally suit Canadians in the other

provinces and territories as well as a number of their elected representatives. The proposal for new arrangements between Québec and the rest of Canada is, perforce, contingent upon this situation.

A better understanding of what is at stake and a change in perceptions and attitudes with regard to Québec's identity and place in Canada might make possible certain constitutional changes which are mutually satisfactory in areas of common interest and which respect differences.

Federalism, as a principle of political organization, is characterized by the flexibility of the arrangements and structures it makes possible. This is evidenced by the wide array of States with a federal constitution, e.g. the United States, Australia, Germany, Switzerland and Belgium, whose constitutional arrangements are markedly different. The Canadian federation is but one case of the application of federalism, numerous variations of which may exist. Between 1867 and the early part of this century, Canadian federalism changed a great deal, generally to the satisfaction of the parties concerned. Theoretically, the Canadian federal union could have continued to change in constitutional and political terms while respecting both the aspirations of Quebecers and those of other Canadians. In practice, the overall conception of Canada and the federal regime which now predominates seems rigid and clearly oriented towards the quest for uniformity and the negation of differences. Renewing the Canadian federation, while

acknowledging and respecting Québec's differences and needs, unequivocally means a thorough calling into question of the order of things in Canada.

The groups and individuals who commented on this solution indicated to the Commission the constitutional changes which they felt were necessary to redefine the political status and powers of Québec. These changes vary in nature but have in common, among other things:

- the necessity of creating a new relationship between Québec and the rest of Canada, based on the recognition of and respect for the identity of Quebecers and their right to be different;

- a division of powers and responsibilities which assures Québec of exclusive authority over those matters and domains which already fall under its exclusive jurisdiction, which means among other things eliminating in these domains federal spending power and overlapping interventions;

- the exclusive attribution to Québec of powers and responsibilities related to its social, economic and cultural development as well as to language;

- the transfer of tax and financial resources related to the powers and responsibilities which Québec exercises;

- the maintenance of a Québec representation in common institutions which fully reflects its particular situation in Canada;

- the guarantee that Québec's consent be required with respect to any constitutional modification. However, it has been proposed that, where applicable, Québec enjoy the right to opt out of a transfer of a jurisdiction to the federal government, with reasonable compensation. Such right to withdraw with compensation would replace the right to a veto in such instances.

It was also suggested that the right to withdraw from the federation be enshrined in the Constitution. Similarly, it was proposed that a specific jurisdiction be attributed to Québec in matters of international relations, extending its internal jurisdictions. Several people stressed as well that the adoption by Québec of its own constitution should accompany the redefinition of its relations with the rest of Canada.

The changes outlined above indicate that the current system raises many questions of an economic and fiscal nature. Overlapping actions by both levels of government have thus resulted directly, over the years, from the increasingly extensive use of the federal spending power. Similarly, the size of federal debt and deficits has reduced, in a manner costly to Québec, federal transfer payments, often put in place by Ottawa to encourage provinces to undertake spending programs in their own fields of jurisdiction. The

federal government's financial withdrawal has exacerbated Québec's difficulties regarding its public finances. Moreover, the standards the federal government imposes, which it maintains in spite of its withdrawal, considerably curtail Québec's ability to adapt to these financial constraints.

Many of the people who supported the solution under consideration noted that it would not be easy to put in place new arrangements in order to redefine Québec's political and constitutional status under the current federal framework. The process of amending the Constitution is fraught with a plethora of pitfalls and problems and it is difficult to expect prompt, significant results. These difficulties centre as much on the process of negotiation between governments and on public participation as they do on the constitutional amending formula. An effective means to resolving these difficulties remains to be found.

Many Quebecers deem this solution to be a last-ditch effort. The risk of a new refusal, which would renew the stalemate and exacerbate tensions, was brought up on numerous occasions. Most of the parties appearing before the Commission underscored the importance of avoiding in the future that Québec be in a position where the other members of the federation would reject its proposals without Québec having an alternative.

Redefining Québec's status within the Canadian federal system therefore raises various questions of political acceptability. The true scope of renewed

federalism would be known to Québec, and uncertainty dissipated, only when the governments and other political bodies, the various social groups concerned and Canadians, outside Québec, indicate what they are willing to accept.

A reconciliation of Québec's expectations and interests with those of the rest of Canada within the federal State would require a considerable effort on the part of the members of the federation.

Sovereignty

A number of individuals and organizations advocated Québec's accession to the status of independent State. The attainment of sovereignty has been considered from two perspectives: for some, it is the only conceivable political course of action now open to Québec; for others, it is the only possible outcome should a new attempt by Québec to redefine its status within the Canadian federal constitutional framework fail.

Be that as it may, in the minds of many Quebecers, sovereignty is a genuine solution to breaking the stalemate and easing the tensions between Québec and the rest of Canada, as well as to renewing the political foundations of their relations.

Because attaining sovereignty would represent a fundamental change, it raises a certain number of questions related primarily to its very nature, the means

of achieving it, and its possible economic consequences. For this reason, the issues examined are more numerous.

Were Québec to achieve complete political sovereignty, its democratic institutions would have the sole right to adopt laws and levy taxes within Québec's territory, and the power to directly conclude any type of agreements or treaties with other independent States and participate in various international organizations.

The Canadian Constitution makes no mention of the right of the provinces to secede, that is, to withdraw from the federation. The democratic expression by Quebecers of their clear will to become an independent State, along with Québec's commitment to comply with the principles of international law, would establish the political legitimacy of Québec's seeking to attain its sovereignty.

Were other members of the federation to consent to it, Québec's accession to the status of independent State could be achieved by agreement. The necessary constitutional amendments could be prepared and various transitional measures negotiated prior to the official change in status.

Failing such an agreement, Québec would have to secede unilaterally, on the basis of an unequivocal, clearly expressed will among Quebecers to do so. The success of such a procedure would reside in the ability of Québec's political institutions to implement and maintain exclusive public authority over

its territory. Under international law, other States would have to recognize Québec as a sovereign State.

In legal terms, Québec's accession to the status of independent State would involve transferring current federal jurisdictions, responsibilities and powers to the Québec Parliament and government, signalling the end of the application of the Canadian Constitution as well as of federal laws and the levying of federal taxes. As soon as Québec's new status came into effect, a Québec constitution would govern the political and legal organization of the new State. Depending on the circumstances, the constitution could be transitional in nature, or a complete fundamental law. Various means of elaborating a new constitution could be envisaged, such as the establishment of a constituent assembly.

To ensure continuity in the legal system, the security of transactions and the maintenance of public order, legislation could then be adopted stipulating that existing federal laws would continue to apply in Québec, as if they had been adopted by the Québec Parliament, until such time as the latter deemed it appropriate to amend them. Provision would also have to be made for transitional measures which would clarify the jurisdiction of the Québec courts, the handling of civil and penal cases before the courts and the execution of judgments rendered before the change in political status.

Possessing all the levers of a sovereign State undoubtedly represents a powerful instrument for change, even though sovereignty in itself would not

solve all of Québec's political, economic and social problems. Taking charge of these levers would make it possible, among other things, to review all matters of concern to the government and establish, without interference, public priorities and objectives. However, such an undertaking would occur against a backdrop of increased international interdependence and economic competition, which encourages other States to acknowledge the limitations of their sovereignty in this area. Adhering to international standards and different kinds of association with other States to jointly establish the principles and rules governing economic interventions increasingly confines State powers.

Certain questions raised by the attainment of sovereignty are complex. It would be wrong to underestimate or ignore them: a society must be well informed when making its choices. However, it would also be wrong to dismiss sovereignty *a priori* simply because it involves a major change. If the main difficulty of redefining Québec's status within the Canadian federal regime is that of provoking a necessary change, sovereignty poses the problem of managing in an orderly fashion a change implemented on the basis of free choice. Successfully managing any change hinges upon a thorough knowledge of the ins and outs of the issue at hand.

At the international level, another question would be that of Québec's succession to bilateral or multilateral treaties signed by Canada. International treaties dealing with the territory, such as treaties governing the Canada-U.S.

border or the St. Lawrence Seaway, would automatically apply to a sovereign Québec.

Succeeding to other treaties would be consistent with various principles, depending on whether bilateral treaties or multilateral agreements are in question, and depending on their respective purposes and objects. In the case of a treaty on which rests an international organization, Québec should apply according to the rules of the organization in order to become a member.

Québec's sovereignty also raises a number of economic issues. Two international treaties would be of particular importance to a sovereign Québec adhering to the principle of openness to world trade: the General Agreement on Tariffs and Trade (GATT) and the Canada-U.S. Free Trade Agreement. In the case of GATT, whose foremost objective is to encourage freer trade, Québec, recognized as sovereign by other countries, would likely be admitted retroactively to the date of its accession to sovereignty, should it so wish.

The Canada-U.S. Free Trade Agreement results from the will of Canada and the United States to minimize obstacles to trade between the two countries. An independent Québec which would clearly indicate its intention to continue to participate in the movement toward freer trade on the continent should not meet with opposition from its partners; it would be incumbent upon Québec and its partners to ensure that the mutual interests which led to the Agreement continue to prevail.

Through its participation in GATT and the continuation of free trade with the United States, Québec would maintain the current terms of its economic relations with the United States and the rest of the world.

Maintaining the Canadian common market raises other questions. Despite certain flaws, individuals, goods, services and capital move without major impediments within the current Canadian economy. The common market undoubtedly contributes to the economic well-being of all Canadians and Quebecers, who thus have a mutual interest in preserving the market's basic components, regardless of their political and constitutional status.

Even if the North-South shift in Québec and Canada toward increased trade with the United States were to continue, it would still be in the interests of Québec and its immediate neighbours in Canada, the Atlantic Provinces and above all Ontario, to avoid fragmenting the Canadian economy, given their commercial and human interdependences.

Mutual recognition of their common interests and Québec's acknowledgment that sovereignty does not in any way compel it to differentiate itself in all areas would make it possible to avoid this fragmentation. Under such circumstances, the issue of what type of institutional arrangements would coordinate common interests does not appear to be the leading question.

The economic performance of a sovereign Québec is sometimes called into question in the event the rest of Canada refuses to formally and globally reenter an economic association with Québec. Such association is not the only means of maintaining the essential elements of the current common market: various measures could be contemplated in order to solve the problems likely to arise, without a general, formal agreement to associate.

In fact, following the accession to sovereignty, some of the main elements of the common market could be preserved by Québec keeping in force most existing federal legislation and, subsequently, through some degree of harmonization. Competition, financial institutions and bankruptcy are important examples in this respect.

Similarly, in certain fields now under provincial or shared jurisdiction, Québec could continue to harmonize, as it has already done, much of its economic legislation with that of the other provinces or the federal government. Such harmonization could be achieved by renewing existing agreements, as is now the case in the field of road transportation, or by informal coordination, as is the case in the fields of taxation, securities and insurance.

Various government regulations have already been harmonized to a certain extent at the international level, or are about to be harmonized, through multilateral agreements, as is the case for example in the fields of industrial

property, copyright and telecommunications. This is another way which could permit a certain harmonization of Québec and Canadian legislations.

With respect to currency, the extent of trade and the number of contracts and financial obligations between economic agents in Québec and those in the rest of Canada is such that keeping the Canadian dollar as the currency of a sovereign Québec would be the best solution for both parties. It would avoid the need for businesses and individuals in Canada and Québec to make major adjustments and to bear substantial costs associated with transactions and exchange risks engendered by Québec's adoption of another currency.

The use of the Canadian dollar could be maintained by the adoption of legislation to this effect in a sovereign Québec. Each deposit institution in Québec would be free to reach an agreement with one or another of the members of the Canadian Payments Association in order to procure cash and liquid assets.

It is hard to see what might prevent economic agents in a sovereign Québec from effecting their operations in Canadian dollars. Obviously, under the circumstances, Québec would not enjoy autonomy in terms of monetary policy. In any event, Québec would have to relinquish such autonomy were it to adopt instead a foreign currency such as the U.S. dollar. The same would be true, at least for quite sometime, if Québec created its own currency as, in order

to establish such currency's credibility, Québec would have to closely tie it to the Canadian dollar or another foreign currency.

In the realm of public finances, a sovereign Québec would recover within its territory all of the taxes levied and responsibility for current federal services. It would inevitably have to review the entire taxation system and government programs in light of its priorities, which might very well be one of the first benefits of sovereignty. The question would then be whether Québec could maintain the level of current federal services by recovering all of the taxes now levied within its territory. According to the *Provincial Economic Accounts* prepared by Statistics Canada, not taking into account interest payments on federal debt, the tax revenues Québec would recover would more or less correspond to the additional expenditures it would incur in order to ensure the maintenance of federal services.

However, a broad picture of the public finances of a sovereign Québec cannot be established without knowing how the federal government's liabilities and assets would be divided, which means advancing a number of hypotheses. It must nevertheless be acknowledged that Quebecers are already bearing the burden of the federal debt and attendant interest costs insofar as they contribute to federal government revenues. If, after achieving sovereignty, they continued to assume the same proportion of the debt and interest charges, their level of debt would remain unchanged.

As for their foreign trade policy, Québec and Canada could maintain the Canadian common market by pursuing existing free trade and applying the same trade policy to third parties.

Preserving a Québec-Canada free-trade zone is entirely in keeping with the current trend toward freer trade in North America. Obviously, the mutual imposition of customs duties or other obstacles to trade would engender substantial economic losses for Québec and Canada, and in the latter case especially for Ontario and the Atlantic Provinces, which carry on extensive trade with Québec.

Furthermore, the failure to harmonize the external trade policies of Canada and a sovereign Québec would make it necessary to implement a two-tiered customs inspection system at all land, sea and air entry points in Québec from Canada, and vice versa. Given the extent of trade in goods and passenger movements between Québec and the other provinces, often in transit, this situation would impose significant costs on individuals and businesses in Canada and Québec.

It is not impossible that sovereignty may give rise to negative reaction from Canadian purchasers of Québec goods and services. However, because current trade flows essentially reflect the free choice of the markets, such a reaction would result in additional costs and delays for these purchasers, and would not have a long-term effect.

Allowing the residents of Québec and Canada to work freely throughout the territory would also make it easier to maintain the main elements of the Canadian common market. This would be to the advantage of Canadians and Quebecers, especially the non-French-speaking community in Québec, whose mobility within Canada is much greater than that of their French-speaking counterparts.

Be that as it may, Québec should clearly indicate that it favours such mobility, provided that it is reciprocal. In this way, it could propose to the rest of Canada to maintain through new procedures the existing right to live and work anywhere, the transferability of entitlement to the main social programs such as unemployment insurance, social aid, government pension plans, old age security payments and health insurance, as well as to ensure to the same extent as at present the transferability of private pension plans. An offer to coordinate in the field of immigration could accompany these measures.

Although maintaining a single labour market in both States may be advantageous to Canadians and Quebecers, it is certainly not a prerequisite to the viability of sovereignty.

Therefore, a sovereign Québec would have at its disposal a number of means to maintain its participation in world and North American trade, and the essential components of the current Canadian common market. Québec's desire to act in

this manner would rest on an acknowledgment that it has been advantageous in the past to open up its economy and that doing so is an essential condition for its active involvement in the concert of modern nations.

A commission such as ours could not confine its discussions to a narrow definition of the political and constitutional future of Québec. One cannot examine the future political relations in the nation without inevitably focusing on the human, social and cultural facets of the life of the people. In drawing our conclusions, we would first like to stress a number of important dimensions of our future, on which light would not otherwise be shed through the main process we are proposing.

Québec is a society open to social change, which enjoys a high standard of living. Even in such societies, not everyone has the same opportunity for social advancement; an extensive system of income support and social protection measures does not prevent the standard of living of some people from declining or others from experiencing sustained poverty. The problem of poverty in the cities and outlying regions, which are less prosperous in some instances, was stressed before the Commission. It was suggested that the problem should be solved before or at the same time that we redefine the political and constitutional status of Québec. We believe that poverty and inequality are fundamental problems to which governments must respond with thorough reflection and enlightened action. However, we feel that there is nothing to suggest that such problems would be better settled were we to avoid discussing the constitution, no more than they would be by simply amending the current status or through a change of status. The dynamics of social change influences and is influenced by changes in modern democracies.

While it may be slowed by authoritarian, closed regimes, it does not necessarily find an immediate solution in open systems such as ours.

In our society, Québec women have achieved equality in principle; they must now strive to attain equality in everyday life. The political field has broadened considerably in the 20th century, drawing into the public domain what were hitherto deemed to be private matters. Women have been particularly affected by these changes. State intervention in the education and health sectors, among others, are major political factors for women as they are tied to changes in the role of the family and the imperative of achieving equality between women and men. Several women's groups reminded us of this fact by emphasizing that it was time to halt the under-representation of women in political institutions.

The English-speaking community has been historically part of Québec's reality. Its significant contribution to Québec's development must be stressed and continue to be recognized. As a linguistic minority in Québec, it is seeking, with French-speaking Quebecers who are themselves a minority in Canada, the development of respectful, harmonious relations, and this goal has largely been attained. A number of differences persist; both sides must endeavour to resolve them in a spirit of openness. With respect to the political and constitutional future of Québec, it is important to maintain, in collaboration with the English-speaking community, legal guarantees which ensure the

complete protection of its rights and institutions, and its full participation in Québec society.

The issue of the rights and claims of the aboriginal peoples is a different matter altogether. The problems experienced by the 60 000 Amerinds and Inuit of Québec may indeed be examined against the backdrop of social change. However, the problem is also political, and is tied to the existence of the historic rights of the descendants of the oldest inhabitants of our territory. The issues of concern to the aboriginal nations must be dealt with now. Indeed, the current arrangements governing the aboriginal peoples do not satisfy their desire for self-affirmation and self-government in regard to their internal affairs. This situation cannot be prolonged unduly while waiting for a final answer to the question of the political and constitutional future of Québec. To the contrary, we believe it is urgent to specify the manner in which we intend to realize aboriginal self-government. Negotiations to this end must be conducted promptly and vigorously, in a spirit of openness and rigour, with representatives of the Québec aboriginal peoples. Such negotiations, focused on the future, will only be more fruitful if a process for settling existing disputes is quickly adopted, in consultation with the aboriginal peoples.

The public hearings of the Commission took us all over Québec and enabled us to better comprehend the diversity of Quebecers' concerns. However, we would like here to emphasize the similarity of viewpoints presented to us, by

individuals and businesses in the regions, by municipalities and other regional and local governments, on the importance of drawing public administrators and Québec residents closer together. Broader authority and more extensive resources are requested for the benefit of various regional organizations in the fields for which they are responsible; the reorganization of various structures is also demanded. We have decided not to include in our report recommendations concerning regional and local governments. While the question is indeed an important one, we feel that the situation can change more quickly and efficiently through normal democratic channels than it will if it is included in a constitutional debate.

It should be stressed that possible changes in the political and constitutional status of Québec could have a particular effect on the Outaouais region in Québec. Indeed, were a significant number of federal sectors or services to become Québec's responsibility, employment and economic activity in the region could be seriously affected. The same is true, undoubtedly to an even greater degree, were Québec to attain sovereignty. Regardless of the course Québec adopts, it will be necessary and urgent to implement specific programs aimed at maintaining employment and economic activity in this region.

One striking difference between the regions of Québec is the concentration in the Montréal metropolitain area of the greatest proportion of Quebecers of non-French or non-British origin. A number of these cultural communities have been established for a long time in Québec and have happily settled in,

while contributing their customs, talent and vibrant creative energy to the social fabric. Others have arrived more recently and come from more remote regions, creating an even greater ethnic diversity. The principle of equal rights enshrined in the Québec *Charter of human rights and freedoms* must not mask the tensions, indeed the discrimination, which new Quebecers may feel. The Québec cultural communities expressed their willingness to participate in the Québec society when they appeared before the Commission. In our view, in collaboration with members of the cultural communities, efforts must be stepped up to ensure that Quebecers of all origins enjoy genuinely equal opportunities and participate fully in all spheres of activity.

Elsewhere in Canada, French-speaking Canadians are often perceived as representatives of one of the many cultures which make up Canada's multicultural heritage, a culture which is entitled to preserve its ways and customs and speak its language in private, but which must in essence live socially in English, as do other cultural groups. The development of French-speaking people outside Québec is thus limited in fact, wrongly no doubt, through the misunderstanding of multiculturalism as a reflection of social life everywhere in Canada. This development, while it is sustained namely by a number of provisions in the 1982 Constitution, is the object of constant legal battles. These conflicts before the courts, in which the federal government often appears as the sole source of support of French-speaking groups against the provincial governments, give rise to another misunderstanding. In the name of fraternity and a common culture, French-speaking groups would like

Québec to support their position. For reasons related to its own linguistic and constitutional position, it is not possible for Québec to take up the cause of French-speaking groups in all of their legal undertakings. Were Québec institutions and the Québec government to more actively support the initiatives of French-speaking people outside Québec other than through support before the courts, Québec and Quebecers would contribute more fully to the vitality of the French-speaking community in Canada.

All of the matters we have just set out reflect concerns raised before the Commission. However, the very essence of the questions raised by our mandate demands that we focus exclusively on the political and constitutional status of Québec, which we do in the following section.

History has witnessed Québec society's long and patient pursuit of a political arrangement which accurately reflects its identity. Culture is at once the sum of the creative expression of a collective imagination and the actions, words, songs and accents which characterize the day-to-day life of a people. It is its culture, fed and sustained by creators and researchers, nourished by artists, experienced by one and all, which animates the identity of the people of Québec. Through their culture, they are able to revive their roots and strive to surpass themselves, which demands that their political status reflect their identity. While defining Québec's political future does not require indeed that we concomitantly define its cultural future, doing so requires that we clearly state that only a living, proud culture gives a people a sufficiently

strong, distinctive face and spirit to sustain a promising future. This perspective has guided our reflection and given it all its meaning.

All Quebecers share a number of fundamental objectives: all of them want the society in which they live, Québec, to enjoy freedom and prosperity, based on justice and fairness, a respect for differences, growth and openness to the world.

Various social and political models are put forward to serve as a foundation for the progress and development of Québec society. When such models are discussed, any one of them may strike some people as inadequate; everyone seeks to highlight the advantages of the social and political framework he favours to gain the support of others. One fact remains: determining the political and constitutional framework of a society, of a people, is a political exercise, to the extent that democratic processes are imperative in the expression of fundamental choices.

Québec's relationship with the rest of Canada, within the political system and the constitutional order which govern them, has reached a stalemate. After several years of constitutional demands which have expressed Québec's fundamental needs and aspirations, Canada adopted a new Constitution Act in 1982, without the consent of the Québec government and the National Assembly. This Act did not satisfy Québec's requests. Moreover, for the first time since 1867, it meant that one province, Québec, lost powers as a

result of arrangements agreed upon by the other parties, in its absence and without its consent. In 1990, the minimal conditions Québec put forward to ensure its formal acceptance of the *Constitution Act, 1982*, were rejected.

It is pointless to refuse to acknowledge the current conflict: doing so will only cause the further deterioration of the political foundations of our societies and of the relations between Quebecers and Canadians. Allowing the situation to drag on will lead to the same result, thereby exacerbating dissatisfaction, uncertainty and instability.

Relations between societies are also of other types, particularly economic. Québec, like Canada as a whole, has an open economy fully integrated into the main world trends, especially North American currents. The close economic interdependence which characterizes Canada indicates that the reciprocal benefits of ensuring the free movement of persons, goods, services and capital are advantageous to everyone concerned and should, as far as possible, be maintained, regardless of the political and constitutional status Québec adopts. Moreover, Québec is not calling into question the economic and financial commitments and ties it has established with its Canadian and foreign partners.

With regard to political and constitutional relations, the consensus expressed during the Commission's deliberations is clear: profound changes must be made to Québec's political and constitutional status. Regardless of the solutions

adopted, they must promptly and permanently dissipate the uncertainty and instability resulting from the current stalemate.

Two courses are open to Québec with respect to the redefinition of its status, i.e. a new, ultimate attempt to redefine its status within the federal regime, and the attainment of sovereignty. Some people feel that the first course must be adopted and, should it fail, that Québec should achieve sovereignty. Other people prefer to adopt the second course of action immediately.

Should a final attempt to renew federalism fail, sovereignty would be the only course remaining. It is therefore important to focus immediately on all its implications and systematically specify the measures to be taken to efficiently implement it, especially should it be concluded that this is the only possible course of action, but also if it is deemed to be an imminent alternative.

The approach Québec chooses must have two objectives. First, it must solve the political and constitutional stalemate and ensure that satisfactory, durable results are achieved in the near future: clear deadlines must be stipulated. Second, the choice and its outcome must be clearly spelled out by Québec and made known to its partners in the federation. In this way, the rest of Canada will be able to accurately assess what is at stake with regard to the redefinition of Québec's status and the seriousness of its process, and to make its own choices.

A final attempt to renew federalism cannot be meaningful unless Canada and the other provinces are prepared to participate efficiently in it. It is incumbent upon them to inform Québec of the contents of possible arrangements to which they would adhere. Québec, free to determine its future, must ensure, without waiting to examine any offer or proposal whatever, that it is prepared to implement the option it chooses. Should the political climate so demand, preparatory measures would enable the process of acceding to sovereignty to be launched in an enlightened, orderly and predictable manner.

In this way, Québec could take advantage of the time available to it and current arrangements to bolster its position, while strengthening its negotiating power. The continued presence within the federal system of a Québec whose needs and aspirations are not satisfied and which is embarking upon fundamental changes is not the best guarantee for the smooth operation of the federal regime. This approach makes it possible to prepare for the attainment of sovereignty in a climate where there would be less uncertainty than if Québec waited for the outcome of a possible referendum before proceeding. Similarly, Quebecers would be better informed of what is at stake, in anticipation of making a choice.

As long as Québec maintains its current status and remains a province within the Canadian federation, its relations and those of Quebecers with the rest of Canada will continue to be governed by the Canadian Constitution. A

positive, open attitude toward Québec would preserve the principle of admissibility of any offer the rest of Canada might make.

For many Quebecers who appeared before the Commission, the question of their political future and status in relation to Canada and the rest of the world is tied to the exigencies of a global society, of a community which constitutes a distinct people.

The Commission has noted the extent and depth of the consensus expressed before it to the effect that the population of Québec unequivocally rejects the current state of affairs.

For a significant number of Quebecers, Québec's sovereignty is a concrete, economically viable alternative to Canadian federalism which, they believe, no longer efficiently contributes to Québec's political objectives.

Quebecers have high expectations: they want Québec to recover jurisdictions in all sectors, be they economic, social or cultural. They feel it is urgent to dispel uncertainty through a clear process which ends the stalemate and promptly produces results.

The Commission has also noted that Quebecers favour maintaining the reciprocal advantages resulting from various economic and financial commitments and ties between Québec and the rest of Canada.

Under the circumstances, the Commission is of the opinion that Quebecers will have to express themselves on the matter of their political and constitutional future through a formal, democratic consultation.

Quebecers must consider the following: an unequivocal assessment, two equally clear solutions, one of which can only be adopted if Québec's partners also wish to do so, and the other which must be prepared regardless of the choice made. Bearing in mind its strengths and weaknesses with respect to its geography and its physical and human resources, Québec must now make a choice and implement it as quickly as possible.

The Commission recommends to the National Assembly the adoption, in the spring of 1991, of a legislation establishing the process by which Québec determines its political and constitutional future.

The legislation would contain three sections, that is, a preamble; a first part dealing with a referendum to be held on Québec sovereignty; and a second part dealing with the offer of a new partnership of constitutional nature.

"**Preamble**

1. Considering the report, the conclusions and the recommendations of the Commission on the Political and Constitutional Future of Québec;

2. Whereas Quebecers are free to assume their own destiny, to determine their political status and to assure their economic, social and cultural development;

3. Whereas Quebecers wish to play an active part in defining the political and constitutional future of Québec;

4. Whereas the *Constitution Act, 1982*, was proclaimed despite the opposition of the National Assembly;

5. Whereas the 1987 Agreement on the Constitution, the aim of which was to allow Québec to become a party to the *Constitution Act, 1982*, has failed;

6. Whereas it is necessary to redefine the political and constitutional status of Québec.

Part 1 of the Act: Referendum on Québec Sovereignty

The Act provides:

. that a referendum on Québec sovereignty is to be held, either between June 8 and 22, 1992, or between October 12 and 26, 1992;

. that, should the outcome of the referendum be positive, Québec will acquire the status of a sovereign State one year, day for day, after the date of the referendum;

. for the establishing of a special parliamentary commission of the National Assembly and for its membership, to examine matters related to Québec's accession to sovereignty;

. that the special parliamentary commission will study and analyse all matters related to Québec's accession to full sovereignty, that is, Québec's

exclusive capacity, through its democratic institutions, to adopt laws, levy taxes within its territory and act on the international scene in order to conclude all manner of agreements or treaties with other independent States, and participate in various international organizations; that the commission will make recommendations in this respect to the National Assembly;

- that the commission will also be responsible, should the Government of Canada make a formal offer respecting an economic partnership, for studying and analysing such an offer and making recommendations in this respect to the National Assembly;

- that the commission will be granted a budget and authorized to have studies prepared and conduct whatever consultations it deems necessary, and to hear all interested persons and organizations.

Part 2 of the Act: Offer of a New Partnership of Constitutional Nature

The Act provides:

- for the establishing of a special parliamentary commission of the National Assembly and for its membership, to assess any offer of a new partnership of constitutional nature made by the Government of Canada, and to make recommendations in this respect to the National Assembly;

. that only an offer formally binding the Government of Canada and the provinces may be examined by the commission;

. that the commission will be granted a budget and authorized to have studies prepared and conduct whatever consultations it deems necessary, and to hear all interested persons and organizations."

The foregoing is a translation of the recommendations recorded in the minutes of the March 25, 1991 meeting of the Commission held in Québec City.

This first addendum includes comments from members of the Commission who signed the report.

Mr. Robert Bourassa, the Premier of Québec and Mr. Gil Rémillard, Minister responsible for Canadian Intergovernmental Affairs

On June 23 last, the Meech Lake Accord failed to attain ratification. This fact sent a strong message to the people of Québec: from now on, they and they alone would have to make the necessary decisions and choices regarding their political and constitutional future. Not only did our government accept this new state of things forthwith; it immediately set about providing its people with a special, extraordinary forum for reflection, so that they could assess their choices as fully as possible.

The Bélanger-Campeau Commission was created by the National Assembly; its structure, mandate and operations had been established in concert with the Official Opposition. Its birth marked a great moment. As we said at its opening sitting, the experience, integrity and representativeness of its 36 appointed members could only guarantee a full and honest exploration of the stakes involved, a listening ear for the people, groups and experts appearing before it, and finally conclusions which would promote the higher interest of Québec.

Six months later, those words and that confidence are expressed again in the report and recommendations submitted by the Bélanger-Campeau Commission.

The people and government of Québec are at a crossroads. They must study the contents of this report with respect and with the highest consideration, for it will have a major influence on the future of our society. Having heard 327 groups and individuals, including 33 experts (over 600 briefs), and having reflected and deliberated for two months, the Commission members are now presenting us with a report whose credibility and decisiveness cannot longer be disputed.

This report confirms for us that in the discussions and decisions regarding the political and constitutional future of Québec, two avenues of action must be considered simultaneously: an in-depth reorganization of the existing federal system, or sovereignty for Québec. No other solution could meet the needs and aspirations of Québec society. The Commission members recommend that both these options be given the same close attention; they exhort the people of Québec and the government to build the future with the most effective materials, not with labels or slogans. Our government agrees willingly to this course of action.

We consider most appropriate the insistence of the Commission members on the expediency for Québec of maintaining and developing a society which will

respect rights and freedoms and preserve the Canadian economic space as well as our commitments and financial ties with Canada and other countries. The government will make sure that these elements are present - elements that are indispensable to maintaining the standards of living and economic security of all Quebecers.

The main idea behind the report and the recommendations of the Commission is that Quebecers themselves must take the decisions which will affect their political and constitutional future. With this, the Québec government concurs. In good time, the people of Québec will be called upon to make major decisions for its future. On the one hand, the Québec government retains its initiative and its ability to assess the measures which will be in the best interest of Québec. On the other hand, the National Assembly remains sovereign to decide on any referendum question and, if necessary, to adopt the appropriate legislative measures.

Over the coming months, the reflections engaged in and the steps taken by Québec will determine its future. Inspired by the work of the Bélanger-Campeau Commission, the government will take the measures necessary to ensure that our future is determined in an atmosphere of serenity, efficiency and transparence. It will spare no effort to explain the choices, their nature and their consequences - especially economic and social. It will make sure that all understand equally everything related both to the extent of the

changes necessary to make the present federal system acceptable to Québec, and to a fair definition of sovereignty and its impact. Finally, the government will draw up Québec policies to defend and promote the rights of Anglophone, Native and cultural communities.

Always stronger when standing together, the people of Québec will stand taller following this unique exercise in democracy. Not only will Québec be free in its own choices; it is now in a better position both to appreciate and to make them. And all this we owe to the report submitted today.

Mr. Cosmo Maciocia

I should like to clarify my interpretation of the recommendations of this Commission. But if I am to do so, I must first stress my conviction that Canadian federalism has been a good thing for Québec. Thanks to the Canadian economy, the people of Québec have been able to enjoy a standard of living which ranks among the highest. Our social programs, accessible and relatively generous, are the envy of a number of industrialized countries. As a member of Canada, Québec has enjoyed Canada's reputation on the international scene.

While it is obvious to me that the current constitutional impasse must be broken, it seems equally clear that what is needed is serious negotiation within a reasonable period and in a realistic context.

It is my firm conviction that a new structure can be built and a new vision embraced that respects the very essence of our country and takes more significant account of the basic and legitimate concerns of Québec. With this in mind, I endorse this report which invites proposals from the rest of Canada. At the same time it is my ardent wish that the Québec governement, after serious examination, will decide to submit these proposals to the people of Québec for ratification during a popular consultation.

Mr. Claude Ryan

I was unable to participate actively in the work of the Commission because of my many pressing government tasks.

Nevertheless, through my numerous conversations with several members of the Commission, my reading of the briefs and expert opinions submitted to the Commission and my study of pertinent government documents, I have been able to follow closely the evolution of the discussions and the deliberations of the Commission members.

I fully support the option that, in the last resort, the people of Québec be called upon to decide on their collective future in a sovereign manner. From this standpoint, I approve the proposal defining the legislative process to be used to determine the political and constitutional future of Québec. I also support the details in this regard that are given in the Addendum tabled by the Prime Minister of Québec, Mr. Robert Bourassa, and the Minister for Canadian Intergovernmental Affairs, Mr. Gil Rémillard.

Mr. Russell Williams

I must advise you of my reservations with regard to the recommendations submitted by the Bélanger-Campeau Commission. First of all, if those who sign the report want my support, they must agree to a real effort being made to carry out genuine negociations with the rest of Canada, within a realistic timetable and in a realistic climate. This phase must be an integral part of the Report.

While I firmly wish for a real, substantial change which would improve and clarify relations between the governments of Québec and of Canada, with Québec as part of Canada, I have read with great reservations the opinions in this Report regarding the analysis, scope, nature and reasons for the constitutional impasse which we have now come up against.

I sincerely believe that, throughout our history, Québec and Canada have mutually benefited from coexistence. While there has been much misunderstanding on both sides, and our need to be different has only been partially recognized, I disagree with the analysis according to which Québec's legitimate needs have been completely cast aside.

The Report does not place sufficient emphasis on our positive ties with other regions of Canada and on the international scene. Québec enjoys an extremely high standard of living which was built thanks to the energy and support of the federal and provincial governments, and which should in no way be compromised. Also, the constructive aspects, in terms of protection and promotion of the French language and of Canada's commitment to respect two official languages, are not expressed clearly.

Moreover, I fully believe that we are able to build a new structure and to install a new vision which would respect the very essence of our country and take even fuller account of the fundamental and legitimate needs of Québec. Consequently, I am convinced that, if we wish fully to respect the "project" which we are on the point of embarking upon, and to succeed in all negotiations, we must see that the schedule is reasonable and the climate favourable. But I fear that the time periods and the tone of the discussions will hinder the work toward an agreement with the rest of Canada.

Finally, I would emphasize that, if this recommendation is to be interpreted as a genuine opportunity to break the present impasse which exists with the rest of Canada, it must include the possibility of a structure for approval of offers received. My interpretation is to the effect that this structure is already included in the proposal.

I firmly associate myself with this aspect of the Report, and it is my sincere hope that a new agreement will be arrived at with Canada within the prescribed time periods.

Mr. Jacques Parizeau, Leader of the Official Opposition Party and Mrs. Jeanne Blackburn, Mr. Jacques Brassard, Mr. Guy Chevrette, Mrs. Louise Harel, Mr. Jacques Léonard, Mrs. Pauline Marois

WE, THE UNDERSIGNED MEMBERS OF THE COMMISSION, have agreed upon the following observations and comments with respect to the conclusions and would like them to be included in the report. [1]

Section 2 of the act establishing the Commission states that its mandate is to examine and analyse the political and constitutional status of Québec and to make recommendations in respect thereof. In carrying out its mandate, the Commission received briefs both from the public and from numerous experts.

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1 In keeping with the Précisions relatives au rapport de la Commission sur l'avenir politique du Québec (Details on the Report of the Commission on the Political and Constitutional Future of Québec) made public by the Chair on March 25, 1991.

It held public hearings in various regions of Québec, held a forum and prepared or commissioned a good many studies through its Secretariat.

All this work was designed to clarify possible solutions, to analyse the advantages and disadvantages, and to draw conclusions in order to make recommendations. The public surely expected clear conclusions and recommendations to guide it in the choices which have now been the subject of discussion in Québec for over twenty years. We cannot agree to the Commission's conclusions being in fact restricted to stating that there are two possible solutions to the current impasse, namely, a last go at renewed federalism, and sovereignty per se without formally favoring one even though each of the groups heard by the Commission were invited to make a formal statement on that issue.

In our opinion, these conclusions, as formulated, shed little light on the debate and fail to reflect the scope of the Commission's work or the opinions expressed by the public. In short, they do not conclude anything. Yet the hearings held, the briefs received and the expert reports examined give rise, in our opinion, to eight conclusions reached by consensus. These conclusions, contained in an amendment to the conclusions of the report, read as follows:

1st conclusion

The political and constitutional status quo is not desirable, is in fact highly undesirable for Québec.

2nd conclusion

Canadian federalism no longer contributes to the social, cultural, economic and political objectives of Québec. It no longer represents for the people of Québec a system adapted to the demands of the major challenges Québec will be facing in the decades to come.

For most of the Quebecers who appeared before the Commission, their political future and their status in relation to the Canadian and the international community revolves around the requirements of a global and specific society, of a community that represents a distinct people.

3rd conclusion

The force and maturity of its economy, the dynamic nature of its entrepreneurial class, and the ability of its economic and social agents to create and maintain dialogs, enable Québec to consider all the possible alternatives to the present political and constitutional status. The work of the

Commission demonstrates that sovereignty is viable and can be achieved in an orderly manner.

4th conclusion

Special importance must be given to maintaining and even increasing Canada's economic space and thus to promoting a continuation of the free movement of goods, services, people and capital, as well as to maintaining the tariff union. In addition, it seems that it could be advantageous to continue using a common currency.

5th conclusion

The briefs submitted to the Commission point to a clearly expressed desire to live in a democratic, pluralistic society open to the world.

Québec's constitution, including the Charter of Human Rights and Freedoms, would confirm the French character of Québec, the fundamental rights of the people and the equality of men and women. This constitution should also recognize the specific needs and inalienable rights of Québec's English-speaking community and Native peoples.

6th conclusion

As a whole, the briefs submitted to the Commission, as well as its studies and other works, reveal that any project to fully overhaul the Canadian Constitution and the existing federal system in the way required to meet Québec's aspirations, comes up against major obstacles and has little chance of succeeding.

English Canada's desire to preserve a symmetrical federation in which all the provinces are equal, its allegiance to a Charter of rights that consecrates across-the-board constitutional guarantees, its belief in the need for a strong central government and the legal difficulties attached to the amending process are all elements making a reorganization of federalism in the interests of Québec practically impossible.

7th conclusion

The briefs, hearings and other works of the Commission show that the best solution is sovereignty for Québec.

Québec would withdraw from the federal system with all the characteristics of a sovereign state. This sovereignty implies supreme sovereign power for Québec, with exclusive legislative and fiscal power within its territory and

independence on the international scene where any commitments would be its own. This sovereignty is a prerequisite for any partnership to maintain, by treaty, any common economic ties for Québec and Canada.

8th conclusion

The choice of sovereignty must be the direct decision of the people of Québec. It must therefore be expressed in a referendum as soon as possible.

This amendment, despite the support of 15 commissioners, [2] was rejected by 17 votes and the abstention of both chairmen. Such conclusions would have been particularly important since they would have enabled the Commission to properly carry out its mandate by embodying the will of the people. They would also have served as a basis for recommendations that, as it is, are simply a technical exercise giving the illusion of a consensus within the Commission.

We hesitated a long time before accepting the Commission's recommendation. After laborious negotiations, it was finally established that a referendum would be on sovereignty, that an economic partnership could be discussed,

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2 Voting in favour of the amendment: Beaumier J.-C., Béland C., Blackburn J., Bouchard L., Brassard J., Chevrette G., Harel L., Laberge L., Larose G., Léonard J., Marois P., Nicolet R., Pagé L., Parizeau J., Turgeon S.

that there would be no request for proposals for renewed federalism, and that the only proposals from the federal government and the provinces that would be considered would have to be formally binding proposals, that is, no experiments in renewed federalism would be countenanced.

That is why we agreed to push the date of the referendum back from 1991 to 1992. The final decision is of course in the hands of the government. Time will tell.

It is regrettable that the Commission did no more than it did. Its primary purpose was to propose solutions for the future to the people of Québec.

Mr. Marcel Beaudry

1. While, on the whole, the Report of the Commission represents the opinions expressed by those involved, and the briefs submitted, the full responsibility for the constitutional failures of the past twenty-five years is being laid--without the necessary shades of meaning--at the feet of the Government of Canada.

2. It must be recalled that, in 1971, Québec came back on its decision after agreeing in principle to the Victoria proposals.

3. It must also be recalled that, in 1982, when the Constitution was patriated and the Canadian Charter of Rights and Freedoms adopted, agreement on these matters was made very difficult if not impossible by the party in power in Québec.

4. The report does not take sufficient account of the benefits and advantages which the people of Québec have enjoyed within the Canadian federation. This is to a great extent responsible for the high standard of living which they are now enjoying, and for the number of social programs--among the best in the world--from which they are still benefiting.

On Chapter 5: Solutions

The Report should have been more explicit on the many difficulties to be faced in dealing with the sovereignist option.

If the people of Québec opt for the sovereignist option, they will have a high price to pay. They will have to agree with the rest of Canada as to the sharing of the federal debt, currency, economic and judicial matters, free movement of goods, persons, services and capital, and on many other subjects which could be long, difficult and costly.

Nor must it be taken for granted that the many treaties with foreign countries, such as the GATT and the Free Trade pact, will be automatically renewed.

On Chapter 8: Recommendation

Although I would have preferred to see a referendum held in 1993, I joined the consensus. However, the proposed action unequivocally allows the Québec government to receive offers from the federal government and those of the provinces and, following the recommendations of the parliamentary commission set up for the purpose, to accept them without further formalities, or to consult the population on whether or not to agree to them, notwithstanding the first part of a special law to be passed by the National Assembly.

The government could then, in either case, choose to amend this law and not hold a referendum on sovereignty.

Mr. Claude Béland, Mr. Louis Laberge, Mr. Gérald Larose, Mrs. Lorraine Pagé et Mr. Jacques Proulx

We are indeed pleased that the Commission's principal recommendation advocates holding a single referendum on Québec's accession to the status of sovereign State, in October 1992 at the latest.

If one strong -indeed, unanimous- consensus has arisen in the course of the Commission's three months of public hearings, it centres on the sovereignty of a people and the preponderance of its choice with respect to Québec's future status.

We would have liked the conclusions of the Commission's report to mention an other equally important consensus. The Commission's hearings revealed a clear, widespread adhesion among Quebecers to the notion of a sovereign Québec, a modern, dynamic, pluralist society open to the world.

However, we are confident that, independently of the Commission's deliberations, which we deem to be one of the most democratic exercises in the history of Québec, Quebecers will clearly opt for sovereignty during the single referendum in 1992.

Mr. Jean-Claude Beaumier

This short addendum is simply a reminder of what municipalities want. Representatives of municipalities and regional county municipalities came to commmission hearings to bear witness to the wish to participate in this great debate on Québec's political and constitutional future. Small and large municipalities alike spoke out unequivocally and I would not like to see their wishes forgotten.

Their messages are essentially as follows:

- the regions would like to take over their own affairs and become more autonomous;

- the municipalities are ready to review the sharing of responsibilities with Québec in order to provide the best services possible at the lowest conceivable cost;

- the municipalities would like to see citizens/ratepayers be the first people consulted in this process;

- the municipalities hope that the message will be clear and that the will of Quebecers will be expressed with full knowledge of all the ins and outs of the process when the final decision is made.

In closing, I wish to express my great esteem for all the members of the Bélanger-Campeau Commission.

Mr. Lucien Bouchard and Mr. Serge Turgeon

We, the undersigned members of the Commission, in keeping with the Précisions relatives au rapport de la Commission sur l'avenir politique et constitutionnel du Québec (details on the Report of the Commission on the Political and Constitutional Future of Québec), submit the following opinions on the «Conclusions» presented in the Commission's report.

In our opinion, these conclusions do not fully correspond to the Commission's mandate, which was to study and analyse the political and constitutional status of Québec and make recommendations thereon. Contrary to the mission given it by the National Assembly, and, apparently, to the expectations of the people of Québec, the Commission limits itself, in its Conclusions, to stating, without taking any stance, that there are two possible solutions to the impasse described in the report:

(1) a last chance for federalism, sovereignty being the solution retained in case of failure -not sovereignty as a project, but sovereignty for lack of anything better; and

(2) sovereignty for Québec.

Basing our opinion on the briefs submitted to the Commission and on the public hearings, it appears clear to us that the choice to be presented to the people of Québec is sovereignty.

Quebecers are aware of the history behind their search for a policital destiny as a people. There are particularly conscious of their experience over the past thirty years, which revealed that what they required to develop as a specific society was not compatible with the Canadian federal system; three decades during which it became clear that the vision of Canada's future held by most Canadians was incompatible with the vision of a modern Québec cherished by Quebecers. Canadian federalism is diametrically opposed to the present aspirations of the people of Québec.

We are firmly convinced that most of these people chose to embark upon a project inspired by courage, pride and lucid thinking, the political sovereignty of Québec, achieved in a serene manner, in keeping with all the requirements of a society deeply attached to democratic values.

Mrs. Cheryl Campbell Steer

My main reasons for voting in favour of the accepted process rest on the fact that, as discussed during our deliberations, the proposed bill allows the Québec government to accept the proposals made by the federal and provincial governments or to consult the people of Québec on the proposals through a referendum or otherwise, if it deems such a step necessary.

But I do have the following reservations.

On the past

I believe that, in general, the unfavourable tone and judgment with respect to Québec's adhesion to the Canadian federation reflect a certain imbalance and are exaggerated, an observation supported by T. Courchene and by R. Tremblay, who ranks Québec's standard of living third in the world (1987).

On Québec's political and constitutional future

I subscribe to the opinion according to which **the process** adopted for ratifying the Meech Lake Accord was a failure. Under the current amendment rules, four of the five conditions, including the recognition of Québec as a distinct society, would have become law.

To find a solution as quickly as possible is not an objective in itself. The deadline given the federal and provincial governments for presenting their proposals is very short. As noted during the discussions of the Commission, these proposals must be reasonable and credible, but, although accepted, they will probably not be definitive. In the suggested process, the Québec government retains the right to decide whether the proposals are acceptable.

The rest of Canada is not a monolithic block. If the people of Québec are to make real choices, they must not act hastily, but discuss in depth the implications of the constitutional options proposed. Hasty decisions lead to confrontations which, as the Association des économistes du Québec (ASDEQ) led to mentioned, could mean that the price to pay for the constitutional option ultimately chosen would be higher than necessary.

Ideally, a referendum in the fall of 1993, whether held under a law establishing the recommended procedure or not, would have given all those involved more realistic possibilities. Moreover, even if we do not adopt any particular stance in our report in this respect, we propose that the two options be mentioned in a future public consultation and that a strong majority of 65% to 75% be obtained before opting for independence.

The analysis of the two solutions is necessarily short in the interests of concision. It should nevertheless be clear that I do not accept any assumption that the rest of Canada cannot or will not examine Québec's recommendations within a federal structure.

As regards the sovereignty option, there is some uncertainty with respect to observations made in the testimony of experts and others before the Commission. Note in particular the hypothesis according to which the rest of Canada would adopt a flexible attitude with respect to Québec's sovereignty, in the hope of establishing an economic and monetary union. It was said that the Free Trade Agreement can be maintained, a statement contested by Charles Taylor and by the analysis of the relevant laws made by some members of the Commission (see comments of C.A. Poissant, Commission member).

Mr. Ghislain Dufour

(1) The point about the present situation is a harsh one that does not always make distinctions. But it particularly fails to recognize that Québec has done very well within the federal framework. Quebecers, as part of Canada's economic area, have enjoyed one of the highest standards of living in the world. More should have been made of the positive aspects of Canadian federalism.

Several of these remarks apply, with the necessary changes, to the chapter devoted to options.

(2) I have always expressed my agreement with the idea of holding a referendum in Québec on its constitutional future. However, I have always felt that it should not be held precipitously. There is so much confusion in people's minds and the stakes are so high that we should not rush into things.

Therefore, a referendum on Québec's constitutional future should not be held, in principle, before the end of 1993 and two options should appear on it, thereby giving the government sufficient leeway to govern.

I have given the Commission's report and its recommendation concerning the referendum my approval, first of all, to favour a consensus on the report, but especially because, since the Referendum Act is still in force, the government, notwithstanding the Act proposed, could still hold a referendum on a federal offer. The government would thereby conserve its legitimate margin of manoeuvre, and I would then agree with those who would work to defend renewed federalism, a guarantee of Québec's future.

The Referendum Act must also be reviewed to determine the percentage of votes required, so that any future referendum in Québec, if favourable to

independence, would need a markedly higher percentage than a simple majority plus one (65% for example). Given the stakes, more than 51% is required to truly decide the question and to ensure that the debate will end. Otherwise there will be chaos.

(3) Following Charles Taylor, an expert heard at the Commission, and in contrast to the report, I believe it has not been established that Québec would automatically succeed to the Free Trade Agreement should it gain its independence.

Should Québec opt for political independence and therefore have to negotiate a new economic pact with both Canada and the United States, we would be in a difficult economic situation.

Mr. Roger Nicolet

Many are the Quebecers who, directly or implicitly, came to tell the Commission that the solution to the constitutional imbroglio was not, as such, a priority in their eyes, but that the opportunity must be grasped for introducing in-depth reforms into Québec society. In that perspective, Québec's new political and constitutional status should be defined not as a reorganization of institutional relations, regardless of the justification for it, regardless of the underlying vision of collective identity, but as the basis for a

societal project that would remove the numerous restrictions and structural distortions in the public administration system. This problem is perceived as primordial by these witnesses, at a time when referentials are being questioned around the world, and doubt is being cast on the very workings of society.

Specifically, these Quebecers, among others, came to ask the Commission to recommend extensive decentralization of the government machine. These requests for increased independence in the management of public affairs expressed the desire of our fellow citizens, much like that of other groups throughout the world, to find in their local communities the ressources and values required to maintain a sense of balance in the face of the globalization of both cultural and economic exchanges and the disintegration of our political and institutional systems.

Québec cannot afford to ignore these requests and the government, in a vast political project, must act on the expectations expressed before the Commission.

Mr. Charles-Albert Poissant

I would have voted against the report because of the short period of time granted to the rest of Canada to make us offers that could be accepted, had it not been possible for the Québec government to use, at the appropriate

moment, its Referendum Act to consult Quebecers on the progress of negotiations with the rest of Canada.

One of the reasons for the resentment of many French-speaking Quebecers, still reflected in their behaviour today, is attributable to an education which prevented us from engaging in Québec's economic life. It was only in the 1950s that a profound change in attitude came about, a change that fortunately has had beneficial effects on our society. For those job creators the present constitutional context is not an obstacle; on the contrary, they have, in this short period, raised **«Québec, in 1987, to third position in the world for standard of living»** -taken from the brief by Mr. Rodrigue Tremblay to the Commission in November 1990. During this time the federal government made up the shortfall in Québec. The brief of the Mouvement Desjardins had this to say: **«For the entire 30 years studied, the federal was beneficial for Québec»**. Similar statements are to be found in the briefs of the C.P.Q., the Association des économistes québécois and others.

The report speaks of the **«incontestable popular will»**, without mentioning the extent of acquiescence. For an irreversible decision of such importance, there should be an affirmative vote of at least 70%.

«In accordance with international law». To my knowkedge, the Commission did not receive any explanation to that effect, further or has quoted any

authority indicating under which international law disputes would be settled, unless reference was being made to the Vienna conventions (under the aegis of the United Nations) on state succession with regard to property, records and government debts or on state succession with regard to treaties, conventions which have not been adopted by Canada, the United States or France, or by any other country of similar stature.

As for economic treaties, they are not automatically transferable. They must obtain the consent of the third country in question. Canada is signatory of several of these treaties; an independent Québec will, in certain cases, have to renegotiate, in some cases an arduous undertaking. The Free Trade Agreement with the United States will no doubt be subject to negotiation. The matter of Québec's government subsidies in an independent state will be rigorously questioned by the United States.

The report seems to stress that, in economic matters, Québec will probably not suffer any constraints from its partners. Nothing is less certain. For example, a disagreement on the division of debts and property would inevitably result in a climate of distrust that would have harmful consequences for negotiations.

An important aspect of the report is allowed to pass without comment, i.e. the method to be used for the sharing of the debts and of property, in case of secession. The same is true of their economic and legal effects should disagreement arise. History shows us that in most cases, contentious and acrimonious problems have arisen when matters of debts and property follow the division of a country. Such complications have been stressed by a number of experts, one of whom is Mr. R.L. Watts.

It is regretful that the report is unable to recommend an effective mode of negotiation in order to either repatriate powers from Ottawa or achieve secession.

This second addendum includes the comments from the members of the Commission who did not sign the report.

Mr. Jean-Pierre Hogue

To the Co-chairmen of the Commission on the Political and Constitutional Future of Québec.

I am very grateful to the National Assembly for having invited me to sit as a member of the Commission on the Political and Constitutional Future of Québec, and thereby having given me the opportunity to participate in its work on this fundamental question of concern to all Canadians. I am honoured to have had such a unique experience.

Following, for publication in the addendum to the report, are the reasons why I abstained from voting and the reasons underlying my reservations on the report and its recommendations.

First, I would like to situate myself in relation to the other members of the Commission. I always had to take into account that although I was sitting as a member for a Québec riding I also represented the governing party in Ottawa. For this latter reason, although I gave the Commission I participated

fully, and collaborated actively in the work of the group, I had finally, to abstain from voting on the report. In fact, it had become clear that the compromise arrived at the night before last would be widely supported. It was obvious that, as a member of a government which would play a major role in the coming negotiations, I had to abstain from supporting or opposing a position of our representatives at a possible bargaining table. Those who take part in future negotiations must have the maximum room to manoeuvre. My dual status led me to this position, one which was accepted by most of my colleagues.

My decision was made easier by other expressions of reservations and dissent during the course of the vote. The Commission, by not reaching a real consensus, accurately reflects the Québec reality. Québec must choose between Canada and independence and Quebecers have not reached a real consensus on the road to take.

I would have preferred that the Commission put more emphasis on what is, in fact, the essence of Québec and Canada independence, a state that has existed since Confederation and which cannot be appreciated if we limit our analysis to the last 25 years. Although the report makes an incontestably positive appraisal of today's Québec, I would have preferred that it put that political, social, cultural and linguistic development in the real and beneficial context of Québec's participation in Canadian life. For me, it is beyond argument that

Quebecers cannot make a sound choice if it is assumed that they live in isolation from the rest of the country and if we ignore relationships that have developed over the course of our history between the two founding peoples.

I must also add that it is disappointing that the way the report is written could give Canadians the impression that Québec is headed towards confrontation rather than concertation. I also regret that the projected process and timetable being considered are not conducive to building a new Canada.

I am pleased that I was able to take part in a phase of the present constitutional debate; I continue to believe that the final decision must be left to the people.

I give my enthusiastic support to the Commission's wish insistance that the people to advise the population of Québec be as well informed as possible of the consequences of the decision they will have to make. I promise that, as a Quebecer, I shall insist that this information be available.

I firmly believe that Quebecers do not want to break up the country they took centuries to build. They do want major and necessary change, but they neither want to, nor can they, erase the past.

Mr. Richard B. Holden

I herewith, in agreement with Robert Libman, the Member of the National Assembly for D'Arcy McGee and Leader of the Equality Party, express my formal disagreement with the report submitted by the Commission on the Political and Constitutional Future of Québec to the National Assembly. We believe that the tone and underlying premises of the report not only diminish the great achievements that Québec has experienced while an integral part of Canada but its recommendations does not reflect the best interests of Québec's citizens.

Given the importance of any consideration of the constitutional and political future of Québec, the factual authenticity of witnesses' testimony and the credibility attributed by the Commission members to testimony and all information and evidence presented before them is of the utmost importance. It is our conviction that much of the information, testimony, and evidence chosen to appear in, and to guide this report, is non-factual and based upon "myths".

Knowledge is the basis of action. Successful action -- and achievement-- depends upon proper, factual, and complete knowledge. To plan for the constitutional and political future of Québec based upon improper and

incomplete knowledge will inevitable lead Québec and its people to regretful circumstances.

This is not a methodology that we choose to subscribe to.

We believe that three false perceptions guided the Commission to arrive at the recommendations that it did:

i) The false belief that Québec was left out of and insulted by the 1982 patriation of the constitution.

At the time, a party whose raison d'etre was the dissolution of the Canadian federation was in power in Québec: the Parti Québécois. Not under **any** circumstances would Québec have signed the Constitution Act, 1982. Furthermore, public opinion polls at the time demonstrated a strong preponderance on the part of the Québec people to support the patriation. As well, a majority of Québec's elected representatives, in the federal and provincial governments, either supported the Accord by votes in their respective legislative bodies or refused to vote in the affirmative on motions condemning the Accord.

ii) The false belief that the failure of the 1987 Meech Lake Constitutional Accord represented the rejection of Québec by the rest of Canada.

The primary reason for the failure of this Accord were the actions of the Québec Government in December 1988 when it passed into law Bill 178, which officially suspended freedom of expression and freedom of discrimination guarantees found in the Canadian and Québec Charters of Rights. This was done in direct opposition to unanimous decisions by the Québec Court of Appeal, the Supreme Court of Canada and the original decision of the Québec Superior Court. The passage of Bill 178 signalled to other provincial legislatures and the people of Canada the potential of misuse inherent in the "distinct society" clause of the Accord, which would have influenced the interpretation of the entire constitution of Canada, including the Charter of Rights and Freedoms. The Québec Government's refusal to exempt the Charter from the effects of the "distinct society" clause was a sign of bad faith.

iii) The false belief that the federal system and minorities threaten the flourishing and survival of the French language and culture in Québec. All evidence demonstrates the contrary.

Furthermore, the final report does not take into consideration the legitimate needs and aspirations of Québec's minority anglophone population nor its cultural communities nor its native communities; nor does it address the frustrations of francophones outside Québec. One wonders whether Québec's minority groups should have even bothered to submit briefs to the Commission in the first place had they known that their concerns would be ignored.

Here, therefore, are specific recommendations:

1) Recognition of the right of anglophone and cultural communities to control and administer their own health and social service, as well as their educational institutions, and that all guarantees of these rights that currently exist in the constitution be safeguarded.

2) To make as a priority of the political agenda of Québec the redress of aboriginal problems, treaty claims, and territorial claims.

3) To promote the objective of integration of cultural communities in all sectors of society, and to condemn each sign of discrimination.

4) To make as a priority of the political agenda of Québec the support of francophones outside of Québec and to cease the practise of judicial interventions on the part of the Attorney-General of Québec against francophone minorities in cases involving minority rights in other provinces.

5) Repeal of the "notwithstanding" clauses of the Québec and Canadian Charters of Rights.

6) Constitutional entrenchment of English and French linguistic school boards.

7) Constitutional entrenchment of the right of all Québec residents to freely choose the language of instruction for their children from the two official languages of Canada.

8) Either the repeal of section 59 of the Constitution or the opting into, by the legislature of Québec, section 23 (1) (a) of the Canadian Charter of Rights and Freedoms, pursuant to section 59 of the Constitution.

9) Constitutional entrenchment of both English and French as the official languages of Québec.

Mr. André Ouellet

Regretfully, I must dissent from the majority report of the Commission. Here are my reasons:

1. The Report speaks most eloquently of Québec as "a complete, modern society, open to the World". But the Commission fails to mention that Québec's progress has been made within Canada. Since the Quiet Revolution, and indeed since 1867, the people of Québec have managed to get along quite well within a federal framework. After 123 years of history, no one can

claim that Canadian federalism has had only negative effects on Québec. Thanks to the Canadian economy, the people of Québec have been able to enjoy a standard of living which ranks among the world's highest. Our social programs are accessible and relatively generous, and make us the envy of several industrialized countries. As a partner within the Canadian federation, Québec has been able to share Canada's reputation on the international scene, primarily in the area of human rights.

2. The Report implies that Québec has constantly denounced the federal government's interventions and encroachments. And yet, certain constitutional amendments which have led to our major social programs have been approved unanimously, and have been very well received in Québec. Are we now to believe that these programs, designed as they were to ensure the well-being of the less favoured, the sick, the unemployed and the aged, are harmful to the people of Québec? Must the federal government be blamed for having adopted them? For they have obtained, and are still obtaining, immense benefits for people all across Canada. The people of Québec voted massively for the governments of King, Saint-Laurent and Pearson, who adopted these policies.

3. The report also speaks of twenty-five years of fruitless constitutional debates. And yet, Québec obtained satisfaction in its negotiations with the Pearson and Trudeau governments in such major areas as Québec pensions,

immigration, family allowances and Québec's representation abroad and within the French-speaking nations.

4. The Report places the 1982 Constitution in a bad light. To claim that this Constitution causes problems is contrary to reality: in fact, even under that Constitution, Québec has known remarkable prosperity. Indeed, the present Québec government even availed itself of one particular clause in that Constitution to pass Bill 178, which it deemed essential.

5. The Report is wrong in one respect on the failure of the Meech Lake Accord. It fails to mention that opposition to that accord was little related to the five requests of the Québec governments. Of those who wanted to amend the Accord, many were ready to accept those five requests. For example, the stand taken by the Native peoples, which led to the Accord's burial in the Manitoba Legislature by Elijah Harper, had nothing to do with Québec's five requests. The Natives' objections were rather centred on the rule of unanimity provided for by the Accord for the creation of new provinces. The Native peoples felt such a provision would be an obstacle to their dream of a new province within the Northwest Territories, where they would be in the majority.

It should also be recalled that with the present amending formula - seven provinces with 50% of the population - four out of Québec's five requests would be in the Constitution today.

6. The Report sees sovereignty as plausible, even easily attainable, with the cooperation of the rest of Canada. This is totally unrealistic. It is time to stop playing with words: sovereignty means separation. Either the people of Québec remain in Canada or else they separate and are no longer Canadians. It is time to stop creating the false impression that sovereignty entails the right and possibility of retaining all the benefits of Canada; such a possibility would no longer depend on Quebecers. The Report recommends that sovereignty be proclaimed one year after the referendum. Sovereignty cannot be negotiated in so short a time.

7. The schedule proposed by the Commission is much too tight. This is no race against time. Artificial, nay unrealistic, deadlines must be avoided. Québec must take the time to succeed in its negotiations with the rest of Canada so that tasks and powers can be distributed among the various levels of government in such a way that will satisfy the people of Québec and of the rest of Canada.

8. The Commission was mandated to analyse the options that were available to Québec. I am sorry that it did not find in favour of renewed federalism and

that it did not send this message, loud and clear, both to the people of Québec and to those of Canada.

I feel that the new Canadian federalism must aim at reviewing the division of powers and institutions of Governments in the light of the future rather than of the past. What must be sought is a functional distribution of powers among the governments, in the interest of freedom and well-being of all the people.

The Liberal Party of Canada will support such a move. For us, nothing is sacred in the way powers are presently distributed.

We believe that the present government of Québec will favour this approach. If it succeeds in completing a successful round of constitutional negotiations in eighteen months, we will be the first to rejoice. But, if its work is not finished by the end of 1992, this should not be a cause for proclaiming Québec's sovereignty: the interests of the men and women of Québec are based on a political association with the rest of Canada.

APPENDICES

APPENDIX A

ACKNOWLEDGEMENTS

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ACKNOWLEDGEMENTS

We gratefully acknowledge the assistance of the following members of the Commission Secretariat in helping us carry out our mandate:

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* Presented a brief at a public hearing.

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

The following individuals and organizations submitted a brief to the Commission on the Political and Constitutional Future of Québec by November 2, 1990:

Action chômage Québec*

Action pour les Franco-Américains du Nord-Est*

Aequitas

Alliance de la Fonction publique du Canada

Alliance des communautés culturelles pour l'égalité dans la santé et les services sociaux*

Alliance des professeures et professeurs de Montréal*

Alliance Québec*

Ami-e-s de la terre de Montréal

Raymond Arès

Assemblée de concertation et de développement de l'Estrie (ACDE)

Assemblée des évêques du Québec*

Assemblée des groupes de femmes d'intervention régionale (AGIR)

Assemblée des premières nations du Québec et du Labrador*

Assemblée parlementaire des étudiants du Québec inc. (Le Parlement étudiant)*

Association canadienne française de l'Alberta*

Association canadienne française de l'Ontario*

Association libanaise syrienne du Québec*

Association culturelle de Ahuntsic

Association de comté du Parti Égalité de Brome-Missisquoi

Association des anglophones dans un Québec indépendant*

Association des auteur-e-s de l'Outaouais québécois*

Association des cadres des collèges du Québec

Association des citoyens de Hull*

Association des combattants polonais au Canada inc.*

Association des commissions scolaires protestantes du Québec*

Association des économistes du Québec*

Association des étudiantes et des étudiants des 2° et 3° cycles de l'Université McGill inc.*

Association des étudiants en droit de l'Université Laval*

Association des étudiants et étudiantes de Polytechnique*

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Association des fabricants de meubles du Québec inc.*

Association des femmes d'affaires du Québec*

Association des francophones de l'Ouest-de-l'Ile-de-Montréal

Association des gens d'affaires et professionnels italo-canadiens inc.*

Association des intervenants forestiers des Hautes-Laurentides*

Association des juristes d'expression française d'Ontario

Association des manufacturiers canadiens (division Québec)*

Association des notaires de Laval*

Association des parents catholiques du Québec

Association des retraités de l'enseignement du Québec (secteur de Longueuil)*

Association des Townshippers*

Association du Parti Québécois du comté Les Chutes-de-la-Chaudière

Association du Parti Québécois du comté de Lotbinière

Association étudiante de l'Université du Québec en Abitibi-Témiscamingue*

Association étudiante François-Xavier Garneau inc.*

Association générale des étudiants et étudiantes du Cégep de Lévis-Lauzon (A.G.E.E.C.L.L.)*

Association générale étudiante des secteurs sciences humaines, arts et lettres de l'UQAM (EGEUQAM)*

Association jeunesse du Parti Égalité*

Association local du Parti Libéral des Iles-de-la-Madeleine*

Association minière du Québec*

Association provinciale de l'industrie du bois oeuvré du Québec (APIBOC)*

Association provinciale des commissions de formation professionnelle*

Association Québec-Libre Estrie (la QLE)*

Association québécoise de l'industrie du disque du spectacle et de la vidéo*

Association québécoise des organismes de coopération internationale

Association québécoise des organismes régionaux de concertation et de développement inc.*

Association québécoise des professeures et professeurs de français*

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Avenir ensemble*

Édouard Babin et Francine Babin

Antoine Baby

David Barron

Yves Beauchemin*

Pierre Béchard

APPENDIX B

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Gérard Bellavance

David Berger

Monty Berger

Antonio Bisson

Bloc Québécois*

Louise Boily

Martin Bouchard*

Gilbert Boulet*

Yves Boulet*

Jean-Louis Bourque

Jean Boutet

Jacques Brisebois*

Luc Brunelle et Denis LeChasseur

André Bzdera*

Louis Camirand

Campagne Québec-Vie

Canadian Parents for French*

Canifex international

Daniel Caron

Carrefour de pastorale en monde ouvrier

Charles Castonguay*

Centrale de l'enseignement du Québec*

Centrale des syndicats démocratiques*

Centre canadien d'architecture*

Centre de psychologie préventive et de développement humain

Centre des dirigeants d'entreprise*

Centre justice et foi

Centre Maghrebin de recherche et d'information (CMRI)*

Centre pour femmes immigrantes de l'Estrie*

Centre Roland Bertrand et C.S.N. Shawinigan

Centre des femmes du Saguenay-Lac-St-Jean-Chibougamau*

Cercles de fermières du Québec

Chambre de commerce de Chicoutimi*

Chambre de commerce du Montréal métropolitain*

Chambre de commerce du Québec*

Chambre de commerce du West Island

Chambre de commerce et d'industrie de l'Outaouais*

Chambre des notaires du Québec*

Maurice Champagne

Alain Chanlat et Renée Bédard

Jean-Pierre Charbonneau*

Châteauguay Valley English Speaking People's Association (CVESPA)

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Citizens of St-Bruno de Montarville*

Citoyens et citoyennes pour un Québec français

Jean-Charles Claveau, dr

David Cliche

Édouard Cloutier

Club souverain de l'Estrie

Coalition CESAQ-AGECA*

Coalition des citoyens et citoyennes de langue française de l'ouest de l'Ile de Montréal

Coalition pour la défense des services français de Radio-Canada*

Coalition pour un débat public sur l'énergie

Coalition urgence rurale du Bas St-Laurent*

Émile Colas

Collectif Espace-Québec*

Collectif rural d'intervention de l'Abitibi-Témiscamingue (CRI)*

Comité d'action politique des femmes du Parti Québécois

Comité d'action sociale anglophone (CASA Gaspésia)*

Comité d'appui aux premières nations

Comité de coordination sur la place des minorités ethniques et raciales*

Comité de la fête des patriotes St-Charles et St-Denis inc.

Comité exécutif du Parti Égalité*

Comité hongrois de Montréal*

Comité intermunicipal de développement économique de Labelle inc. (CIDEL inc.)*

Comité national des jeunes de la C.S.N.*

Comité national des jeunes du Parti québécois*

Comité pour l'abolition de l'armée

Comité tripartite sur la constitution (congrès juif canadien-Québec, services communautaires juifs de Montréal, communauté sépharade de Québec)*

Comité vivre le français de l'école le Triolet de Sherbrooke

Commission des droits de la personne du Québec*

Commission jeunesse de la société de recherche en orientation humaine inc.*

Commission jeunesse du Parti Libéral du Québec*

Commission nationale du Parti Québécois sur l'écologie et l'environnement

Concertation interrégionale des garderies du Québec

Confédération des associations d'étudiants et d'étudiantes de l'Université Laval (CADEUL)*

Confédération des caisses populaires et d'économie Desjardins du Québec*

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Confédération des syndicats nationaux*

Conférence des recteurs et des principaux des universités du Québec*

Congrès des Ukrainiens canadiens (section de Montréal)*

Congrès hellénique du Québec*

Congrès national des italo-canadiens (région Québec) et l'association italienne travailleurs immigrés et familles (FILEF)*

Conseil Attikamek-Montagnais*

Conseil canadien sur les relations intercommunautaires et interraciales

Conseil catholique d'expression anglaise

Conseil central de la Gaspésie et des Iles-de-la-Madeleine*

Conseil central de la région Richelieu-Yamaska (CSN inc.) et la Clé sur la porte inc.

Conseil central de Montréal (CSN)

Conseil central de Sept-Iles (CSN)*

Conseil central des syndicats nationaux de Lanaudière

Conseil central des syndicats nationaux de la région de Québec inc. (C.S.N.)

Conseil central des syndicats nationaux de Sherbrooke

Conseil central des syndicats nationaux de Sorel (CSN) et syndicat de l'enseignement du Bas-Richelieu (CEQ)

Conseil central des syndicats nationaux du Nord-Ouest Québécois (CSN)

Conseil central du Bas St-Laurent CSN (CCBSL)*

Conseil culturel de la Montérégie*

Conseil d'intervention pour l'accès des femmes au travail (CIAFT)*

Conseil des affaires sociales*

Conseil des canadiens

Conseil des commissions scolaires de la région 02 inc. Saguenay-Lac-St-Jean-Chapais-Chibougamau inc.*

Conseil des femmes de Montréal

Conseil des Montagnais du Lac St-Jean*

Conseil de l'environnement de Québec et de Chaudières-Appalaches*

Conseil de la coopération du Québec*

Conseil de la culture de l'Est du Québec*

Conseil de la culture de l'Estrie

Conseil de la Nation Huronne Wendat*

Conseil de la vie française en Amérique*

Conseil du patronat du Québec*

Conseil du statut de la femme*

Conseil exécutif du Parti Québécois de Rouyn-Noranda/Témiscamingue (section Témiscamingue)

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Conseil exécutif du Parti Québécois de Labelle

Conseil interprofessionnel du Québec

Conseil permanent de la jeunesse*

Conseil québécois du théâtre*

Conseil régional de concertation de développement Saguenay-Lac-St-Jean*

Conseil régional de développement de l'Abitibi-Témiscamingue*

Conseil régional de développement du Bas St-Laurent (CRD-Bas St-Laurent)*

Conseil régional de l'environnement (CRE-02) et autres*

Conseil régional de la santé et des services sociaux de l'Outaouais

Conseil régional du Parti Québécois de la Montérégie

Consistoire Québec-Sherbrooke (L'église unie du Canada)*

Coopérative de travail des jeunes de l'Estrie*

Coopérative fédérée de Québec*

Corporation de développement des Laurentides*

Corporation de la fête nationale du Québec de l'Abitibi-Témiscamingue*

Corporation de protection de l'environnement de Sept-Iles*

Corporation professionnelle des médecins vétérinaires*

Corporation professionnelle des psychologues du Québec

A.-Richard Côté*

Éva Côté L.*

Pierre-Alain Cotnoir

N. Currie

Sylvain D'Aoust*

Paul-André David*

Armand De Mestral

Robert Dean*

Pierre Demers

Bruno Deshaies

Robert Dole*

Martin Donais*

Alfred Dubuc

Pierre Ducasse*

Michel Dupuy*

Étudiants autochtones du Québec*

Étudiants en sciences humaines du Cegep de Matane*

Exclusive Brethren or Plymouth Brethren

Exécutif du jeune Parti Québécois au Collège Laflèche de Trois-Rivières*

Exécutif du Parti Québécois du compté Rouyn-Noranda-Témiscamingue

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Faculty Caucus

Fédération de l'âge d'or du Québec*

Fédération des ACEF du Québec*

Fédération des associations de professeurs des universités du Québec

Fédération des associations étudiantes du campus de l'Université de Montréal*

Fédération des CLSC du Québec*

Fédération des clubs de l'âge d'or (Abitibi-Témiscamingue-Ungava)*

Fédération des commissions scolaires catholiques du Québec*

Fédération des étudiants et étudiantes du Québec (FEEQ)*

Fédération des femmes du Québec*

Fédération des francophones hors Québec inc.*

Fédération des groupes ethniques du Québec inc.*

Fédération des médecins omnipraticiens du Québec*

Fédération des syndicats du secteur aluminium inc.*

Fédération des travailleurs et travailleuses du Québec (FTQ)*

Fédération nationale des femmes canadiennes françaises*

Fédération presse italo-canadienne inc.

Fédération québécoise anti-pauvreté inc.*

Fédération québécoise de karaté

Félix Leclerc (à titre posthume)

Fideart (Centre-Dieu des arts et de la culture)

Fondation de l'entrepreneurship du Québec*

Fondation Héritage Montréal

Pierre Fontaine

Patrice Fortin

Forum des jeunes sur l'avenir du Québec (Saguenay Lac St-Jean)*

Forum pour l'emploi*

Dominique Fossiez Morin

Francophonie étudiante de Lanaudière*

Gérard Fréchette

Front commun des personnes assistées sociales du Québec*

Front d'action populaire en réaménagement urbain (FRAPRU)*

Martin Gagné

Aldéi Gagnon

Christian Genest*

Théodore Geraets

Gaston Gervais

Louis Gilbert

Maurice Giroux*

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Roland Gosselin

Christopher B. Gray

Gilles Grenier

Groupe d'enseignants de l'école St-Luc et groupe de résidents de Notre-Dame de Grâce

Groupe de professeurs, d'étudiants et d'étudiantes de la faculté de philosophie de l'Université Laval*

Groupe de professeurs de l'Université d'Ottawa résidents de l'Outaouais québécois

Groupe de recherche Ethos (Université de Rimouski)*

Groupe de travail sur le fédéralisme canadien*

Groupe franco-militaire*

Manon Guitard*

David Haines

Robert Hajaly

Jean-Paul Harney

Céline Hervieux-Payette

Innutakuaikan Uashat Mak Mani-Utenam*

Institut canadien d'éducation des adultes*

Institut des manufacturiers du vêtement du Québec*

Institut universitaire du troisième âge de Montréal

Richard Janda et Robert Yalden*

Pierre-Jean Jeanniot

Jeune barreau du Québec*

Jeune chambre de commerce de Montréal inc.*

Jeune chambre de commerce du Québec métropolitain*

Jeunes du Parti Québécois de l'Outaouais*

Jeunes souverainistes de l'Université Laval*

Jacques G. Jong

Joseph E. Seagram et Cie ltée

Roger Julien

Jean F. Keable*

Heather Keith-Ryan*

Abdallah Kerba

Marie-Véronique Laberge

Ross K. Ladd

Hubert Laforge*

Gaétan Lafrance

Roger Lalonde

Pierre Larouche*

Yves Lauzon

Eugène Lavoie

Marc Lavoie - Maurice Saint-Germain

Georges Le Gal

Rodrigue Leblanc

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Jean-Guy Leboeuf

D. Michel Lecours

Roger Lemoine*

André De B. Leprohon*

Les intéressés du comté de Mont-Royal

Georges Lessard

Ligue d'action nationale*

Ligue des droits de la personne de B'Nai Brith Canada

Ligue des droits du foetus - citoyen du monde

Ligue des droits et libertés

Ligue internationale des scientifiques pour l'usage de la langue française

Logemen'occupe*

Michel Maher

Constance Minville

Maison d'Afrique*

Maison des jeunes La Soupape*

Maison du Soleil Levant de Rouyn-Noranda

Maison internationale de Québec*

McCall, Storrs et autres

McGill Québec*

Ernest Mercier

Montréal Board of Trade (Bureau de commerce de Montréal)*

James Moore et autres

Mouvement au courant

Mouvement estrien pour le français*

Mouvement laïque québécois

Mouvement national des Québécois*

Mouvement pour l'enseignement privé

Mouvement pour une école moderne et ouverte

Mouvement Québec français*

Mouvement souverainiste du Québec

MRC de Vallée de-l'Or*

Municipalité de Lac Kénogami

Municipalité de Val-des-Monts

Municipalité régionale de comté d'Abitibi-Ouest

Municipalité régionale de comté d'Antoine-Labelle*

Municipalité régionale de comté de Bécancour*

Municipalité régionale de comté de Témiscamingue*

Municipalité régionale de comté de Rouyn-Noranda*

Municipalité régionale de comté Témiscouata*

Municipalité St-Guillaume-de-Granada

Jean-Paul Murray et Gary Brazier*

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

National Association of Canadian of Origins of India (NACOI)

National Association of Canadian of Origins of India - Montréal*

Nouveau Parti Démocratique du Québec

NPD Canada (section Québec)*

Ordre des agronomes du Québec*

Ordre des comptables agréés du Québec*

Ordre des infirmières et infirmiers du Québec

Ghislain Otis*

Outaouais Alliance*

G.D. Papillon

Parti Communiste du Québec

Parti des Travailleurs du Québec

Parti Libéral du Canada*

Parti Marxiste Léniniste du Québec

Parti Nationaliste du Québec (membres de la grande région du Québec)

Parti Nationaliste du Québec

Parti Québécois d'Abitibi-Témiscamingue

Parti Québécois de l'Outaouais

Parti Québécois de la région Mauricie-Bois-Francs-Drummond

Parti Québécois de la région de la Capitale nationale

Parti Québécois de Richelieu

Parti Québécois des Iles-de-la-Madeleine*

Parti Québécois du Bas St-Laurent, de la Gaspésie et des Iles-de-la-Madeleine*

Parti Québécois du comté de Beauharnois Huntingdon

Parti Québécois du comté de Papineau

Parti Québécois Montréal Ville-Marie

Parti Québécois région Chaudière Appalaches

Parti Québécois région de l'Estrie

Parti Québécois Saguenay-Lac-St-Jean-Ungava

Parti Québécois St-Henri

Parti Québécois Trois-Rivières

Parti Québécois*

Parti Vert du Québec

Patriotes du pays

Eigil Pedersen

Jean-André Perey

Roch Pinsonneault

Steven Potter

Murray Powell et autres

Professeurs de droit de l'Université d'Ottawa*

Programme de Common Law français

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Québec Farmer's Association*

Québec Federation of Home and School Associations*

Alain Raby

Ralliement provincial des parents du Québec

Irwin Rapoport

Rassemblement des nationalistes de l'Outaouais

Yves Raymond

Régina Reed

Regroupement d'associations en art visuel

Regroupement d'éducation populaire d'Abitibi-Témiscamingue*

Regroupement de femmes d'Abitibi-Témiscamingue*

Regroupement des associations des cycles supérieurs du Québec inc. (RACSQ)*

Regroupement des étudiants à la maîtrise et au doctorat de l'Université de Sherbrooke (REMDUS)*

Regroupement des femmes de la Côte-Nord inc.*

Regroupement des maisons de jeunes du Québec*

Regroupement francophone

Regroupement jeunesse populaire*

Regroupement pour l'avenir de Rosemont

Regroupement pour le français-Shefford

Regroupement scolaire confessionnel

Jean Rémillard

Résidence Amitié

André Richard*

River Desert Indian Band*

Francis Roche

Gilles Rocheleau*

Claude Rochon

Claude Rompré*

Albert Rossi

Pascal Roussil

Jacques Saada*

Maurice St-Germain*

Guy Sainte-Marie

Secrétariat régional de la concertation de l'Outaouais*

Julia Simard*

Jean Simoneau*

Socials-Démocrates de Marquette

Société d'aménagement de l'Outaouais*

Société des Acadiens et Acadiennes du Nouveau-Brunswick*

Société des musées québécois (UQAM)*

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Société franco-manitobaine*

Société Makivik et le comité constitutionnel du Nunavik*

Société nationale de l'Est du Québec

Société nationale des Québécois d'Abitibi-Témiscamingue inc.*

Société nationale des Québécois de St-Hubert inc.*

Société nationale des Québécois de Lanaudière*

Société nationale des Québécois des Hautes-Rivières inc. (S.S.J.B.)

Société nationale des Québécois du Saguenay-Lac-St-Jean*

Société nationale des Québécois et des Québécoises de la Capitale

Société nationale des Québécois et des Québécoises de l'Outaouais

Société nationale des Québécois Richelieu-Yamaska*

Société nationale des Québécois secteur Rouyn-Noranda

Société nationale des Québécois section Malartic

Société nationale des Québécois section Bearn

Société nationale des Québécoises et des Québécois région des Laurentides*

Société pour la conservation du Sault-au-Récollet

Société professionnelle des auteurs et des compositeurs du Québec (SPACQ)*

Société québécoise de droit international*

Société St-Jean-Baptiste de la Mauricie*

Société St-Jean-Baptiste de Laval

Société St-Jean-Baptiste de Longueuil et autres*

Société Saint-Jean-Baptiste de Montréal section Ahuntsic

Société Saint-Jean-Baptiste de Montréal section St-Laurent-Bordeaux-Cartierville

Société Saint-Jean-Baptiste de Montréal*

Société Saint-Jean-Baptiste de Montréal (section Pierre Legardeur)

Société Saint-Jean-Baptiste de Sherbrooke (dissidents)*

Société Saint-Jean-Baptiste du centre de Québec inc.*

S.O.S. génocide

Sommet économique permanent de Lanaudière*

Sports Québec*

Standard Life*

Robert B. Steele*

Students Representative Council of Bishop's University*

Syndicat de l'enseignement de la région de Drummondville

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Syndicat des professionnelles et professionnels du gouvernement du Québec*

Syndicat des employés de magasins et de bureaux de la SAQ

Syndicat des professeur(e)s de l'Université de Sherbrooke*

Table de concertation des groupes de femmes de l'Est du Québec*

Table de concertation des groupes de femmes Saguenay-Lac-St-Jean-Chibougamau-Chapais

Table des priorités régionales de la MRC Rivière-du-Loup*

Clément Guy Thériault

Gérald Tremblay et Gaston Tremblay

Guy Tremblay*

Miville Tremblay

Un groupe de femmes de l'Estrie*

Union des artistes*

Union des écrivaines et écrivains québécois*

Union des municipalités du Québec*

Union des municipalités régionales de comté et des muncipalités locales du Québec inc.*

Union des producteurs agricoles*

Union québécoise pour la conservation de la nature*

Unité de psychiâtrie sociale et préventive de l'Université Laval

United Church of Canada*

Université Bishop

Université du Québec à Rimouski*

Université du Québec*

Université McGill

Guy Vachon*

Pierre Valton

Diane Vanier Pageau

Pierrette Venne

Denis Verville

Paul Vézina

Raynald Vézina

Ville de Beloeil

Ville de Chicoutimi*

Ville de Granby

Ville de Hull*

Ville de Matane*

Ville de Montréal*

Ville de Ste-Thérèse*

Ville de Val d'Or*

Michel Vincent

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Voice of English Québec*

YMCA de Montréal*

* Those marked with an asterisk appeared before the Commission during public hearings.

APPENDIX B

LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

The following individuals and organizations submitted a brief to the Commission on the Political and Constitutional Future of Québec after November 2, 1990:

Earl I. Alexander

D.-M. Anderson

Agathe Archambault et Jean-Jacques Brisset

Association coopérative d'économie familiale de l'Estrie

Association des Métis et Indiens du Québec (hors réserve)

Association générale des étudiants et étudiantes de la Faculté de l'éducation permanente de l'Université de Montréal (AGEEFEP)

Association générale des étudiants(es) de l'UQAR

Association provinciale des enseignantes et enseignants du Québec

Will Aubitsky

Gilles Baribeau

David J. Baugh

Andrée-Lise Bédard

Robert Blohm

Maurice L. Bonin

David Edward Bower

Philippe Bureau

Centennial College of Applied Arts and Technology

Centre communautaire Letton de Montréal Rosaire Chaloux

Comité d'appui pour la sauvegarde du bureau de poste de Ste-Anne-du-Lac

Comité pour sauver notre Canada

Comité sur l'avenir maritime du Québec

Conférence religieuse canadienne (bureau régional du Québec)

Conseil d'état des Chevaliers de Colomb inc.

Corporation of the District of West Vancouver

Croisade pour le respect de la vie et de l'écologie

Marcel Daneau

Narcis Déry

Laurent Dubois

Will B. Dunn

Fédération des coopératives d'habitation de l'Outaouais

Fédération québécoise des gestionnaires de zecs

Hilda Feiner

Bill Ferguson

Georges E. Fields

Glen T. Fisher

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Camille Fleury

Fondation pour oeuvrer en intelligence

A. Fontaine

Paul-Émile Fortin

Paul-Dominique Gagnon et André Boily

Raymond Gaudreault

Jon Gerrard

Eugène Girard

Martine Giroux et Donald Ball

Groupe de l'Islam

Ernest Haim

Robert J. Hanley

Jacques Hébert

Morley D. Hollenberg

Invention Québec inc.

Jeune Chambre d'affaires centre Mauricie/Mékinac inc.

John R. Johnson

Edward A. Jones

Yvon Joseph

Paulette L. Crefft

Roger Lagnel

Roland Lamontagne

Philippe Lapierre

Guy Lemieux

John Lewis

Charles Lipton

Manuel Maître

John B. McLean

Mégantic County Historical Society

Jean-Paul Mongeau

René-Sylvio Morissette

John-Mark Morley

Mouvement Action chômage de Montréal

Daniel Nadeau

Léonce Naud

Thuan Nguyen-Cao

Nouveau Parti Démocratique du Canada

Option-Canada

Ordre des ingénieurs du Québec

Pacijou (1989)

Michel Pagé

Harry Palmer

Gilles Paquette

Partage Saint-François

Parti crédit-social du Canada

Parti progressiste-conservateur du Québec

A. Ben Paterson

APPENDIX B — LIST OF INDIVIDUALS AND ORGANIZATIONS WHICH SUBMITTED BRIEFS

Gordon Pigeon

Vincent Pigeon

Regroupement des maisons d'hébergement jeunesse du Québec

Ronald Remy

Reverend Cannon et Keith Perry-Gore

Hubert Richard

Normand Robidoux

Jean-Marie Rondeau

Ruth Couillard-Roy

J. Murray Savage

D. Scrimshaw

George Skiling

Société nationale des Québécois Richelieu

Société St-Patrick de Montréal

Joe Subryam

Syndicat des employé-e-s de l'impôt

Théâtre La Rallonge

Gérald Tremblay

Gilles Vachon

Basil Vasiliov

D.J. Wallace

Edward B. Wilson

APPENDIX C

EXCERPT FROM THE MINUTES OF A MEETING OF THE COMMISSION

APPENDIX C

EXCERPT FROM THE MINUTES OF A MEETING OF THE COMMISSION

Meeting held on Monday,
March 25, 1991 in Québec City

Purpose: To discuss the Commission's conclusions and recommendations.

"At the request of the Chairmen, the entire report of the Commission was put to a vote. The Secretary called the role.

For: Marcel Beaudry, Jean-Claude Beaumier, Louise Bégin, Claude Béland, Guy Bélanger, Michel Bélanger, Jeanne Blackburn*, Lucien Bouchard, Jacques Brassard*, Cheryl Campbell Steer+, Jean Campeau, Guy Chevrette*, Guy d'Anjou, Claude Dauphin, Ghislain Dufour+, Louise Harel*, Claire-Hélène Hovington, Louis Laberge, Gérald Larose, Jacques Léonard*, Cosmo Maciocia+, Pauline Marois*, Roger Nicolet, Lorraine Pagé, Jacques Parizeau*, Christiane Pelchat, Charles-Albert Poissant+, Gil Rémillard, Serge Turgeon, Russell Williams+. 30

Against: Richard B. Holden, André Ouellet. 2

Abstention: Jean-Pierre Hogue. 1

The report was adopted by a majority.

* Subject to dissenting opinions on the conclusions of the report, to be presented in an addendum.

+ Subject to comments to be included in an addendum to the report".

TRANSLATION OF THE
CERTIFIED TRUE COPY
Québec City, March 26, 1991

Henri-Paul Rousseau
Secretary of The Commission

An Act to establish the Commission on the Political and Constitutional Future of Québec, S.Q. 1990, ch. 34

WHEREAS Quebecers are free to assume their own destiny, to determine their political status and to assure their economic, social and cultural development;

Whereas Quebecers wish to play an active part in defining the political and constitutional future of Québec;

Whereas the Constitution Act, 1982, was proclaimed despite the opposition of the National Assembly;

Whereas the 1987 Agreement on the Constitution, the aim of which was to allow Québec to become a party to the Constitution Act, 1982, has failed;

Whereas it is necessary to redefine the political and constitutional status of Québec;

Whereas Québec has already demonstrated its respect for democratic values and individual rights and freedoms;

Whereas Québec has recognized that Quebecers wish to see the quality and influence of the French language assured and to make it the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

Whereas Québec intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the rights and institutions of the English-speaking community of Québec;

Whereas Québec recognizes the right of the Amerinds and the Inuit of Québec to preserve and develop their specific character and to assure the progress of their communities and that it considers the contribution of the cultural communities to be of prime importance for the development of Québec;

Whereas Québec supports French-speaking communities outside Québec and contributes to the international French-speaking world;

Whereas the economy of Québec is mature and vigorous and Quebecers clearly wish to see its development and growth assured, while respecting the demands of both market globalization and social justice;

Whereas in consequence it is expedient to create a special Commission to examine and analyse the political and constitutional status of Québec;
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND MANDATE

1. The Commission on the Political and Constitutional Future of Québec is hereby established, under the authority of the National Assembly.

2. The mandate of the Commission is to examine and analyse the political and constitutional status of Québec and to make recommendations in respect thereof.

3. In order to fulfil its mandate, the Commission may carry out any research and consultation it considers necessary.

It shall use the following means, among others:

- the holding of public hearings in various regions of Québec;

- the hearing of experts;

- the holding of forums on specific aspects of the mandate, in particular the social, cultural, demographic and regional development aspects.

4. The Commission shall report to the National Assembly not later than 28 March 1991.

It shall submit its report to the President of the National Assembly and render it public by whatever means it considers appropriate.

The President shall table the report before the National Assembly without delay or, if the Assembly is not sitting, within 15 days of resumption.

DIVISION II

MEMBERS

5. The following persons, appointed by the National Assembly or, if it is not sitting, by the President of the National Assembly, shall become members of the Commission immediately upon appointment:

(1) two chairmen appointed on a joint proposal of the Prime Minister and the Leader of the Official Opposition;

(2) sixteen Members of the National Assembly, in the following proportion:

(*a*) nine from the government party, appointed on a proposal of the Prime Minister;

(*b*) six from the official opposition party, appointed on a proposal of the Leader of the Official Opposition;

(*c*) one Member from the other party represented in the opposition, appointed on a proposal of the Members belonging to that party;

(3) twelve persons appointed on a proposal of the Prime Minister after consultation with the Leader of the Official Opposition and chosen in the following proportion:

(*a*) two elected municipal officers;

(*b*) four persons from the business sector;

(*c*) four persons from the trade union sector;

(*d*) one person from the cooperative sector;

(*e*) one person from the educational sector or the cultural sector;

(4) three Members of the House of Commons of Canada appointed on a proposal of the Prime Minister after consultation with the Leader of the Official Opposition, who were elected at the last general election to represent an electoral district in Québec, and who continue to do so.

6. The Prime Minister and the Leader of the Official Opposition shall also be members of the Commission.

7. A person shall cease to be a member of the Commission upon losing the quality required for appointment.

8. Each member described in any subparagraph of paragraph 3 of section 5 may inform the President of the National Assembly, in writing, of the name of a person who agrees to be his substitute. The person shall be domiciled in Québec and shall have the quality required for appointment as a member under

the relevant subparagraph. The President shall then appoint that person as a substitute member of the Commission.

A member may designate only one substitute for the duration of his term of office.

9. A substitute member may sit on the Commission only when the member for whom he has been appointed substitute is unable to act or is temporarily absent. However, he is not entitled to vote, nor may he propose motions.

10. Members of the Commission who are also Members of the National Assembly may be replaced at a sitting of the Commission by any other Member of the Assembly. However, they may not be replaced when the Commission decides on the recommendations it is required by its mandate to make.

11. Members of the Commission shall receive the allowances determined by regulation of the Office of the National Assembly.

12. When sitting as a member of the Commission, a Member of the National Assembly enjoys the same rights, privileges and immunities and has the same obligations as if he were sitting as a member of a parliamentary committee.

No other member of the Commission may be prosecuted for any act performed in good faith in the discharge of his functions.

DIVISION III

ORGANIZATION

§ 1.—*Chairmanship*

13. The Commission shall be presided over jointly by the chairmen.

However, it may be presided over by one them acting alone where both so agree.

14. The chairmen shall call and conduct the sittings of the Commission. They shall take part in its proceedings and are entitled to vote. They shall direct the work of the Commission and ensure that its decisions are correctly implemented.

15. For the purposes of this Act, the chairmen shall have the attributions conferred by law on the chief executive officer of an agency. Notwithstanding any provision of law, they may delegate these attributions to any person they may designate.

§ 2.—*Steering Committee*

16. A steering committee of the Commission is hereby established, to be made up of the following members:

(1) the chairmen;

(2) six Members of the National Assembly, designated as follows:

(*a*) four by the Prime Minister;

(*b*) two by the Leader of the Official Opposition;

(3) one member of the Commission who is not a Member of the National Assembly, designated by the President of the National Assembly on a proposal of the Prime Minister after consultation with the Leader of the Official Opposition.

17. The steering committee shall be responsible for proposing operating rules to the Commission, particularly in connection with the calling and conduct of sittings and the procedure applicable to its proceedings.

It shall establish the staffing plan and budget estimates, authorize applications to the Office of the National Assembly, and discharge any other functions assigned to it by the Commission.

18. Sections 13 and 14, adapted as required, apply to the steering committee.

The steering committee may meet by any means that allows the members to communicate orally with each other.

§ 3.—*Secretariat*

19. The Commission shall be assisted in carrying out its mandate by a secretariat under the direction of the secretary of the Commission.

The secretary of the Commission shall be appointed by the chairmen. His remuneration and other conditions of employment shall be determined by the Office of the National Assembly.

20. The secretary, under the exclusive authority of the chairmen, shall manage the staff of the Commission and administer its day to day business.

21. The secretary shall attend the sittings of the Commission and of the steering committee.

He shall see that minutes are taken, and may attest to their authenticity. He shall have custody of the records of the Commission.

He shall also discharge any other functions assigned to him by the chairmen.

22. The Commission may engage the services of any person to form part of the secretariat.

23. The President and the Secretary General of the National Assembly shall provide the secretariat with any assistance it may need to carry out the mandate of the Commission, including supplying staff.

DIVISION IV

OPERATION

24. The quorum of the Commission is eighteen members, and the quorum of the steering committee is five members, excluding substitutes.

25. The Commission may sit at any place in Québec.

Its sittings, with the exception of working sittings, shall be public.

26. The public sittings of the Commission shall be televised and recorded under the authority of the President of the National Assembly. The proceedings of the public sittings shall be recorded in the Journal of Debates.

The terms and conditions of production, broadcasting and recording shall be determined by the Office of the National Assembly.

27. Unless otherwise provided in this Act or in a rule made by the Commission, the provisions of the Standing Orders of the National Assembly and the Operating Rules of the National Assembly for sittings of parliamentary committees, adapted as required, apply to sittings of the Commission.

28. If the member of the Commission appointed on the proposal of the Members belonging to the other party represented in the opposition is not the Member who leads that party, the latter Member may take part in the proceedings of the Commission. However, he is not entitled to vote, nor may he propose motions.

Section 11 and the first paragraph of section 12 apply where he so takes part.

29. The Commission may incur any expenses necessary for carrying out its mandate. The expenses of the Commission shall form part of the expenses of the National Assembly.

30. The Office of the National Assembly may, in respect of management of the business of the Commission, exercise the powers conferred on it by sections 104.1, 110, 110.1 and 111 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1), adapted as required.

Except as otherwise provided by this Act, the regulations and rules adopted by the Office concerning the management and expenses of the Assembly apply, where so determined by the Office, to the management and expenses of the Commission. The Office may, by regulation, make amendments thereto for the purposes of this Act.

A regulation of the Office, if so provided therein and if it was made under this Act, may have effect from the date of coming into force of this Act.

31. The budget estimates of the Commission shall be approved by the Office of the National Assembly.

DIVISION V

MISCELLANEOUS PROVISIONS

32. When the Commission has completed its mandate, the secretary shall place its records with the records of the National Assembly.

The Commission shall then be dissolved.

33. The proceedings of the Commission shall be protected against all interference to the same extent as the proceedings of the National Assembly.

34. For the purposes of sections 8 and 48 to 50 of the Act respecting the National Assembly, the Commission shall be deemed to be a parliamentary committee.

The payment of allowances or other sums of money to a Member for the purposes of this Act shall not constitute a benefit or remuneration incompatible with the office of Member, and is deemed to be covered by section 73 of the Act respecting the National Assembly.

35. The sums required for the purposes of this Act shall be taken out of the consolidated revenue fund.

36. This Act comes into force on 4 September 1990.

Certain amendments to the Act were later adopted. These are the following:

An Act to amend the Act to establish the Commission on the Political and Constitutional Future of Québec, S.Q. 1990, ch. 45

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Act to establish the Commission on the Political and Constitutional Future of Québec (1990, chapter 34) is amended

(1) by replacing the word "twelve" in the first line of paragraph 3 by the word "thirteen";

(2) by striking out the words "or the cultural sector" at the end of subparagraph *e* of paragraph 3;

(3) by inserting, after subparagraph *e* of paragraph 3, the following subparagraph:

"*f*) one person from the cultural sector;";

(4) by adding, at the end, the following paragraph:

"Notwithstanding the appointment process provided for in the first paragraph, the president of the Fédération des commissions scolaires catholiques du Québec and the president of the Union des artistes are, by virtue respectively of subparagraphs *e* and *f* of paragraph 3 of the first paragraph, the first persons to become members of the Commission, and shall be members thereof from 2 November 1990."

2. Section 8 of the said Act is amended

(1) by inserting the words "or in paragraph 4 of that section" after the figure "5" in the second line of the first paragraph;

(2) by inserting the words "of paragraph 3 or, as the case may be, under paragraph 4" after the word "subparagraph" in the fifth line of the first paragraph.

3. Section 24 of the said Act is amended by replacing the word "eighteen" in the first line by the word "nineteen".

4. This Act comes into force on 2 November 1990.

NOTES

People interested in obtaining a copy of the Report of the Commission on the Political and Constitutional Future of Québec as well as of the working papers (available in French only) published by the Commission Secretariat should contact: Service de distribution des documents parlementaires, Assemblée nationale, 5, Place Québec, bureau 195, Québec (Québec) G1R 5P3. Tél: (418) 643-2754. Copies of the Report are also available at Les Publications du Québec bookstores and in all regional offices of Communication-Québec.